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THEORY OF GOVERNMENT
IN ANCIENT INDIA

- - - BENI PRASAD - 2 -

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THEORY OF GOVERNMENT IN ANCIENT INDIA (POST-VEDIC)

*A thesis approved for the degree of
Ph.D. (Econ.) in the University
of London (1926).*

BY

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WITH A FOREWORD BY

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PREFACE

THE scope of the present work is confined to a statement of governmental theory in post-Vedic Ancient India. Chapter II (Vedic Literature) serves merely as an introduction and is based chiefly on secondary sources. Chapter XI (Theory of the Government of Corporations) is indebted to a few modern scholars who have been amply acknowledged in the text and footnotes. But the primary authorities have been consulted throughout and some of the conclusions differ from those of my predecessors. The rest of the work is based almost entirely on original sources. The quotations are generally taken from standard translations, wherever available, such as those in the Sacred Books of the East, Sacred Books of the Buddhists, Sacred Books of the Hindus, Harvard Oriental Series, Oriental Translation Fund Series.

The writer must express his gratitude to his predecessors who first essayed the task of extracting and elucidating Hindu Political Thought and whose labours alone have made subsequent work possible. My particular acknowledgments are due to my tutor Prof. H. J. Laski and other teachers with whom I studied Sociology, Political Science and Public Administration for nearly three years at the London School of Economics and Political Science. To Prof. J. Keith I am indebted for a Foreword. Prof. Teresa C. Ph. of Queen Mary's College, Madras, kindly re-touched the draft of several chapters and made useful suggestions. Mr. A. A. Macdonell and Dr. L. D. Barnett were pleased



to favour me with criticism of the earlier chapters. Mr. Kṣetreśa Chandra Chatṭopādhyāya of the Sanskrit Department, University of Allāhābād, was always ready to solve my difficulties with Sanskrit and Pāli texts. Mr. Lakshmi Lal Joshi, M.A., LL.B., made some useful suggestions. Messrs. Banarasi Prasad Saksena, M.A., and Bisheshar Prasad Srivastva, M.A., of the University History Department sacrificed their time and comfort to see the book through the press. It is only fair to state that the responsibility for the omission of many diacritical signs, particularly in the earlier chapters, and for some misprints and errors rests neither with them nor with the press. They were due mainly to the exigencies of the writer's wandering life. The Index has been compiled by Mr. Rama Shankar Prasad, M.A.

This thesis was commenced in 1923, practically completed in 1925, and sent to the press early in 1926. The publication of some valuable articles and books on ancient Indian political life in the meanwhile does not, however, necessitate any modification of the views expressed here.

BENI PRASA



FOREWORD

Indian philosophy has long been recognised in the Western world as presenting original solutions for the problems of spirit and matter, and as exhibiting in the Vedānta a classical type of mysticism, which has attracted adherents far beyond the bounds of India. Appreciation of the great merits of the Kāvya literature is unfortunately limited by the difficulty of the language, for the Court poets are essentially artists in diction and metre whose delicate and subtle effects are lost in translation into an analytical speech, but in this field Indian achievement has always been admitted by competent judges. The claim, however, that the political literature of India deserves serious attention is new. It owes its origin in large measure to the fortunate discovery of the Arthaśāstra ascribed to Chāṇakya, minister of the great Chandragupta, creator of the first Indian Empire of history. It was natural that the find should be welcomed as affording us a trustworthy means of checking the account of the Empire given by Megasthenes the Greek envoy who often visited the monarch at his capital, Pāṭaliputra, and both in Europe and in India the genuineness of the ascription of the work has still convinced champions. But this theory has, among many other things, the fatal disadvantage that it compels us to believe that the Indian Bismarck, when, in his old age, he recorded his impressions of politics, chose deliberately to shut out from his mind all that appertained to the



acquisition and government of an Empire, and to lay down maxims which contemplate only a state of moderate size. Unhappily we do not know with any certainty to what exact period the work should be referred, but we may agree with the view of one of India's greatest scholars, Sir Ramakrishna Bhandarkar, that it cannot be earlier than the first or second century A.D. while it is unquestionably to be placed some time before 600 A.D. Recognition of the difficulties of the current ascription by Professor Beni Prasad has enabled him to present the valuable material of the work in its true perspective, and this fact gives at once a special importance to his able, elaborate, and carefully thought-out presentation of the theory of government in ancient India.

The interest and value of the theme have suffered unhappily from the unwise enthusiasm of some writers who have attempted to prove that India made notable contributions to the theory of politics, and that constitutional monarchy was early recognised. Dr. Beni Prasad has no illusions on these heads; his study of political science has enabled him more effectively than his predecessors to bring out in Chapters I and XII the fundamental characteristics, the merits and the shortcomings, of Indian doctrines. Treated as contributions to the art of government, the political writings reviewed by the author present a wealth of interesting matter, illuminating the whole course of Indian history, and exhibiting many of the merits, as well as some of the defects, of the Indian intellect. The author has been at pains to cover the ground adequately; he has given the essential data from the epics, the Dharma Sâtras and Śâstras, the commentators, the Purâṇas, and the Nitisâstras, and not less interesting are his chapters on Buddhist and Jaina theories and on the political ideas which are found in the



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secular non-technical literature (VIII and X). A sketch of the theory of the government of corporations (XI) is of special importance, for, while the central administration of Indian states might change in form and function, there remained as a basis of stability the corporate life of the smaller social groups, whose solidarity enabled the Indian states to survive repeated onslaughts. In this as in other chapters it is possible to disagree on matters of detail with the author, but in essentials he presents a just and trustworthy account of Indian thought, and his work should serve to dispel the prevalent impression that India in ancient times was pre-eminently a land of transcendental philosophers and had no place for men of practical thought, skilled in statecraft and capable of wise and efficient government.

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December 29, 1926.

A. BERRIEDALE KEITH.



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THE THEORY OF GOVERNMENT IN ANCIENT INDIA

CHAPTER I

The Characteristics of Indian Political Speculation

It was long an axiom of scholarship that ancient India made no contribution to political science. Professor Max

Introduction. Müller whose knowledge of Hindu liter-

ature was equalled only by his gift for generalisation declared that religion and philosophy formed the only sphere "where the Indian mind found itself at liberty to act, to create, and to worship."¹ A famous surveyor of ancient political thought starts with the conviction that "to the early Eastern mind the fact that a thing existed was sufficient of itself to show its right to be. Thus was effectually excluded all possibility of enquiries as to the relative perfection or justification for the existence of *de facto* social and political institutions."² But the literary and epigraphic material which the labours of scholars during the last forty years have brought together tells a different tale. It goes without saying that theology and metaphysics had an irresistible appeal to the Hindu mind, but they did not exhaust the whole field of research and speculation. Intellectual curiosity, once roused, could not but roam over the whole field of existence. Not to speak of the physical sciences, the Hindu mind grappled with handicrafts, cooking, dancing, music, erotics, and things which literature generally ignores. In all seriousness it tackled the problems which arise from the organisation of man in society.

¹ Max Müller, History of Ancient Sanskrit Literature, p. 31.

² Willoughby, Political Theories of the Ancient World, p. 14.



Needless to say, the Hindu intellect dealt with everything in its own manner—a manner which reflects the dominant characteristics of Indian personality and which is very different from European ways.

The Indian character, indeed, approaches the Slav at certain points but it is essentially different from the Teutonic.

Indian Characteristics.

Indian nature has always displayed an emotional flow and vibration which, on the whole, militates against rigidity of discipline and organisation. If in one or two spheres organisation was attempted on a scale unknown in the West, there were whole departments of life which were left unorganised. Here culture was embodied in institutions to a far lesser degree than in Europe. Social thought is more diffuse and less exact and systematic than in the West. The power of imagination which is another leading characteristic of the Indian psychology, often promotes the same tendency. Add to it a metaphysical turn of mind and it is easy to understand why the Hindu writers thought of man in terms of the Universe, of the present in terms of eternity. The philosophic Hindu intellect is always searching for unity and appears at its best in synthesis. It is seldom at home in analysis and induction. It achieves its triumphs in declaration rather than in ratiocination, in broad generalisation rather than in dissection. On the other hand, Indian thinking is remarkably clear and tends to run an idea to its extreme logical consequences. It gains in fulness but it underestimates the complexities of life. Such are the essential features of Indian psychology. It is not necessary here to inquire how far they are the result of innate racial characteristics or climatic influences and how far they have been determined by the exigencies of economic life and accidents of history. But it is important to bear them in mind in any investigation of Hindu thought. They explain why Indian political



theory follows a path so divergent from its Western counterpart.

The habit of synthesis, of looking at life as a whole, correlated the whole of social thought. After ages of

intellectual activity politics was recognised as a science by itself and, in the hands of some authors, was exalted to the rank of the supreme science but it could never

The leading features of Indian political thought.
make itself completely independent of religion and ethics. In India religion claimed the whole allegiance of man and sought to be with him from birth to death and for ever. The law which comes down from the inspired sages in the sacred books covers the whole of private and associated life. Priest-craft invented a symbolism and ritual bewildering in extent and baffling in minuteness. Political institutions and ideas acquired a religious tinge which never wholly left them. The intimate contact of religion with the rest of life explains why Hindu social and political theory is often presented in the same books with law and domestic ritual. On the other hand, the authors of avowedly political works could not resist the temptation to survey many fields of human thought and endeavour. In either class of writers, the supernatural element is frequently present. The divine hand is visible in the formation of society and government; the divine purpose has to be enforced; divine punishment reinforces earthly chastisement and sometimes supplants it altogether. Under this inspiration social theory becomes part of the general theory of the universe and is fitted into the scheme which comprises theology, metaphysics, tradition, logic, law, ethics and economics. But it loses in spontaneity and freedom; its development is arrested and it never goes to the depths which Plato and Aristotle reached.

Even more potent than the influence of religion is that of ethics on the nature and character of political theory.



Indian social thought has a pre-eminently ethical motive.

The practical character of Indian political thought.

Not only does it, as a rule, assume certain fundamental principles of morality but it always seeks to direct life. It does explain what is, but its primary concern is to point out what ought to be. The attitude was responsible for the wide range which political theory covered. In India the state was never confined to "the hindrance of hindrances"; its function was not merely negative or preventive. It must consciously and actively stimulate virtue and guide the moral life. It must regulate the social order and keep all to their duties. No governmental action can extend to the inner thoughts and motives of man but Hindu theory wants the state to ally itself with the forces and influences which touch the springs of action. Under this conception the state bulks large in the communal life and the theory of the state proceeds to resolve itself into a theory of law and morals. In short, political science becomes the ethics of a whole society, a science of the whole duty of man in all his relations and environment. On the other hand, the practical bent of political thought sometimes deprives it of its philosophic character altogether. Knowledge must issue in action. Theory is married to art. The theorist assumes the tone and accent of a lawgiver. He frequently addresses himself to those engaged in political work. When he seeks to be exhaustive, he enunciates a series of detailed departmental codes. He becomes dictatorial and, in his hands, political science often ceases to be a science and becomes an art—the art of government. Hindu literature does present a theory of society and a theory of state but it forms only the groundwork of a theory of government. When the mass of writings on public organisation is considered as a whole, the central theme is discovered to be government.



This dominant tendency partly counteracts the idealistic and imaginative bent of the Hindu mind. The theory of

The relation of public affairs rarely loses touch with the theory to facts. social conditions and political temper of the times. It has its Utopias but they are only the political counterpart of the Golden Age in which the Hindu mind sought to compensate itself for the surrounding degradation. As a rule, it reflects the *status quo*. It assumes the existing social order, the traditional scheme of duties and the prevalent form of political organisation. In a country parcelled out among numerous petty states always in actual or potential hostility with their neighbours, diplomacy had departed far from ethical moorings. There are a few writers who advocate a return to the straight path of morality but all who sought to be counsellors of governments compromise with facts. They become realists after the fashion of Machiavelli and Treitschke. In the same philosophers, one may notice a sudden fall from ethereal heights to the rankest realism. At first sight the unity of aim seems to be destroyed but it is all explained by the practical aim which the writers generally keep in view.

This purpose of the theory of government, coupled with the Hindu habit of synthesis and the all-embracing idea of

Politics allied the state, joined politics to other branches to other subjects. of human activity. The law which the government was to enforce is stated by political writers with varying degrees of fulness. The administration must have an idea and concrete projects of economic welfare. Agriculture, irrigation, famines, mining, communications, all come in for their share of treatment in works on "policy." In fact the term Arthasâstra which was applied to politics is quite as applicable to economics. Diplomacy was an integral part of political theory. Fortification was mentioned in the same breath with sovereign and minister as one of the component

elements of the State. The army was another such factor and political works become, in certain portions, treatises on military equipment, tactics and strategy. Espionage is treated with an astonishing fulness of detail. It is needless to mention that topics like public finance partake of the very essence of governmental theory. Not less intimate was the connection of political theory with the dominant feature of Indian social organisation.

It was during the later Vedic period that there grew up the institution of caste which occupies a prominent place in

Caste. all subsequent social speculation and which has a direct bearing on governmental

theory. Perhaps caste was partly borrowed from the Dravidians among whom, in the south, it still obtains a much more rigid form than in the north.¹ The ancient designation of caste, Varna or colour suggests that the difference of complexion between the Aryan settlers and the darker aborigines was a cause of the first magnitude in the division of society into two primary ranks. If a distant analogy be permitted, the legislation on the relations between the Whites and the Negroes in the southern states of the American Union supports the hypothesis. The natural operation of economic forces and of warfare splits a community into different groups. The Hindu tendency to push an idea to its logical extreme produced caste where Europe stopped at class. Whatever its original causes, caste which fixes the station of man according to Birth and which restricts intermarriage among groups, is taken for granted throughout the greater period of Hindu history and obtrudes at innumerable points into governmental organisation and theory. At the base of the institution lies the idea of function which formed the governing principle of Hindu associated life. Function, indeed, must dominate all organisation. Every social

¹ Gilbert Slater, *The Dravidian Element in Hindu Culture*.



purpose is the basis of a function; every association or institution has an object. But Hindu theory erected function into an ethical principle. The individual is not to seek his own interest or expression, not to determine his own ambitions or ends. Caste does not admit that every individual is in his nature universal and that he has the right to select his own function. He must primarily fulfil the function assigned to him from the moment of his birth in the social whole of which he forms a part. In the exaltation of society, the human values are practically lost and much that is personal gives way to the collective elements. The theory, in fact, strikes at the root of individuality and amounts almost to a denial of personality.

Philosophically, the theory of function, as embodied in caste, rests on a profound belief in heredity. A warrior's boy is best fitted to be a warrior and should marry into a martial family so as to transmit the original stamina to posterity. Priests, traders, artisans, all should observe endogamy and follow their hereditary occupations. Any injustices which the practical working of the system may seem to involve are explained away by the inexorable law of Karma. Matempsychosis which was not a mere theological dogma but which has been a living belief of Hindus for ages lays down that every soul migrates from body to body and is reborn in the environment to which its deeds in past lives entitle it. He who finds himself in the lowest rank of Śūdras has no right to complain. He is merely reaping as he sowed. Now he must in all conscience and diligence perform the task assigned to him in society. That is his duty. If he neglects it, he will fall into yet deeper misery in a future life. If he fulfils his vocation, he may rise higher, and may even become a god, in days to come. So, buttressed by metaphysics on the one hand and by the dogma of heredity on the other, the theory of function, as crystallised in caste,

acquired a conspicuous position in Hindu speculation and determined the trend of social literature. Thus the duty of the individual is a social duty; his good is the good of society; his virtue is the virtue of society. The individual and society become one in their moral purpose. This conception of life implies a denial of Natural Rights in the form which the idea assumed in modern Europe. The individual is merged in society against which he can have no rights. All his rights consist in the performance of his function. In the discharge of his duties, he is entitled to protection at the hands of the Government and society in general. But his rights are pre-eminently social rights. The antithesis, man *versus* state or society, could not have occurred to the Hindu mind.

Of the social order and of Government as the agency of its enforcement the Hindu thinkers have a clear view, but

No clear distinction between society and the State.

the very insistence on these two concepts prevented them from formulating the idea of the state as distinct from either. Society was organised pre-eminently as society; Government was a part of that organisation, like the spiritual hierarchy, like the industrial and commercial mechanism. It is all one whole. The same organisation is at once religious, political, economic and military. It is generally viewed in a comprehensive manner. The habit of looking at it primarily from the political angle of vision is not cultivated. As a result, the concept of the state does not emerge very clearly and 'government' is used in the sense which the 'state' conveys in modern times. Since the government was generally monarchical, the term 'king' becomes really synonymous with government and state.

The comprehensive functional view of society leads to another important conclusion. The caste which combined



learning and priestly functions received many privileges, but it was never contemplated to establish an ecclesiastical organisation like the Roman Catholic Church or the English Church. Society itself included, as part and parcel of its being, what were called Church and State in Europe. The conflict between the secular and religious powers which raged in medieval Europe and gave rise to a good deal of political theory, had no counterpart in ancient India. The problem of the relations of Church and State, which is still a topic of European political thought, does not arise in Sanskrit literature. It is the relations of the government with the social order and life as a whole which call for comment and guidance. From the very nature of the social theory, government could not be regarded as Sovereign in the Austinian sense of the term. It did not impart validity to the Order ; rather, it shared in its validity. It could not alter it at will ; other parts of it were as valid as itself. It sustained the social order but that was merely its function. It embodied the coercive power of the community and was bound to use it in the social interest just as the priest or trader was bound to use his spiritual or economic power in the social interest. Sovereignty was really diffused throughout the community and was embodied in the Law which had its ultimate source in the Divine Will. On the part of the individual there can be no unified allegiance, no single loyalty, except to society as a whole. No component part, not even government, can claim to be absolutely sovereign. Here the monistic theory of sovereignty as applied to the state or government, fails completely ; only a pluralistic theory can grasp the Indian phenomena. The state was only one of the groups to which the individual belonged, or rather, the state was merged in the social order as a whole. It is only the principles which lay at the root



of the social and moral order that are omnipotent. They are summed up as Dharma, Law, Virtue, or Duty. The law, conceived in this wide sense, is above all individuals or groups. It limits the power of the government; it regulates its exercise. It is above man; it is divine. With the government rests the ultimate power of adjusting social relations but the adjustment must proceed according to Dharma. Such are the principles in the light of which the Indian theory of government has to be examined. Every survey of political ideas ought to be conducted in the light of contemporary institutions. But the student of Hindu theory can observe the rule only in a very imperfect manner. It is rarely possible to be sure of the exact dates of the writers or to visualise the practical working of institutions at a given epoch. All that is possible is to keep in view the general features of the administration.



CHAPTER II

Vedic Literature

The beginnings of Indian social, as of religious speculation lie in Vedic literature—the four Vedas, the Brāhmaṇas and the Upaniṣads. The R̥gveda, the oldest Vedic Literature. document extant, consists of hymns to many gods composed probably in the third and second millenniums before Christ. Mostly from the R̥gveda are derived the Sāmaveda and the Yajurveda though the latter comprises some prose formulas of its own. Much later in date is the Atharvaveda which incorporates a good deal of Dravidian belief and ritual and which, in its whole outlook, is very different from the R̥gveda. Primarily religious and devotional, the Vedas nevertheless reflect the whole life of the age and afford a glimpse into the political institutions and ideas of the early Indo-Aryans. The sacrificial ceremonial which occupies a large space in the Vedas is elaborated with an almost incredible minuteness of detail in the prose works, the Brāhmaṇas, attached to each Veda. Since ritual had entwined itself with the whole of human existence and activity, the Brāhmaṇas throw some light on the social organisation, law and politics of the age. The Upaniṣads inquire into the nature of the Divinity but the stories which illustrate the theme incidentally refer to mundane affairs. It is, then, from these sources that the earliest phase of Hindu political thought has to be reconstructed. Nothing can compensate for the absence of political treatises as such but scattered references have the advantage of presenting every idea in the general intellectual perspective and social *milieu*.

Whatever social theory occurs in Vedic literature is necessarily appended to theology and mythology. It lacks depth and precision. Nor can it show much consistency in a series of compositions which range over centuries. But it does embody the germs of a few ideas which occupy a large space in later thought. Caste is one of the most important phenomena to call for attention. In the *Rigveda* it occurs only in the last Book which is doubtless a later addition but it is firmly established in the *Yajurveda*. Even mixed castes have appeared in the later books of the *Vājasaneyi Samhitā*. There were those who declared that the *Brāhmaṇas* were descended from the gods and *Śādras* from demons. In the *Rigveda* the gods are at war with aerial beings who in the later parts of the work are called *Asuras*¹ or demons. In the same sense is used the word *Dāsa* or *Dasyu* which, doubtless, meant the aborigines who offered tenacious resistance to the Aryan advance. The myth of the origin of caste might have arisen from a dim perception of the fact that *Śādras* were the descendants of the aborigines. But it would appear that as the memories and traditions of the great racial struggle faded away, the Vedic composers leaned more and more towards supernatural explanations. There is a statement that the *Śādras* had been born out of nothing. This was probably too much, for even the *Śādras* had a place in society. At any rate the standard explanation of caste is enshrined in the pantheistic *Puruṣa* hymn which derives the origin of living beings from the Divine body. At the commencement of creation appeared *Puruṣa*, endowed with a thousand heads, a thousand eyes and a thousand legs. "*Puruṣa* is all this world, what has been and shall be." Three-fourths of him is the immortals

¹ In other parts of the *Rigveda*, the word *Asura* is one of the designations of the gods themselves. It is connected with *Ahura*, the great god of the *Zend Avesta*.



in heaven and "one-fourth of his is all creatures." From his mouth sprang the Brâhmanas, from his arms the Kṣatriyas, from his thighs the Vaiśyas and from his feet the Śūdras.¹

Hence the primacy of the Brâhmaṇa, the strength of the Kṣatriya, the utility of the Vaiśya and the low position and dependence of the Śūdra. "The Brahma certainly precedes the Kṣatra. For the King should think (that) when the Brahma is at the head, then my royal power would become strong and not to be shaken." For a long while change of caste was allowed² but the predominant tendency was towards segregation. The social order acquired a divine sanction. The supremacy of the Brâhmanas, the caste of learning and religion *par excellence*, was assured. The Brâhmanas enjoy the special protection of the gods; they are the representatives of gods, they are veritable gods on earth. Their persons and property are inviolate. A passage in the Śatapatha Brâhmaṇa declares them independent of the government and exempts them from taxation. The murder of a Brâhmaṇa was the most difficult to expiate. The king who injured Brâhmanas went to ruin on earth and hereafter.³ The intercession of the priest was held to be essential to the efficacy of sacrifices and to the acceptance

¹ Rigveda, X, 90. Also Atharvaveda, I, 9, 3; X, 6, 31.

Aitareya Brâhmaṇa, VI, 1, 1.

Taittirīya Brâhmaṇa, I, 2, 6, 7; III, 2, 3, 9.

Ghoshal, Political Theories of the Hindus, pp. 46, 48. According to Hillebrandt and others, the term Dasyu or Dâsa originally referred to the Dahae of the Caspian Steppes.

² Aitareya Brâhmaṇa, VII, 29; Śatapatha Brâhmaṇa, XI, 6, 2.

³ Atharvaveda, tr. Whitney, 253-4.

There is a passage in the Śatapatha Brâhmaṇa (V, 3, 3, 12) where a Râjasûya mantra chanted by priests declares "This man, O ye people, is your king, Soma is the king of us Brâhmanas." But this extreme claim is not usually advanced.

of gifts by gods. Since sacrifices are essential to the safety and success of monarchs, every king must have a Priest. In fact, in religious matters the priest is the *alter ego* of the king. Râstragopa or protector of the realm is the epithet applied to him in the Rîgveda. The high priest is half the Kṣatriya; he is indispensable to the success of royal enterprise. Along with his wife and son, he is the three-fold sacred fire for the king. If propitiated, he blesses the king with dignity, valour and dominion and ultimately secures him heavenly grace. If he is displeased, he hurls ruin and destruction on the realm.¹ It is remarkable that these claims stop short of direct control of the government. The Brâhmanas formed a caste but the caste had no organisation, no regulating machinery of its own. It had no means and, therefore, no ambition to supplant the government or reduce it to a servile position.

The Monarchy. On the other hand, many passages in Vedic literature emphatically claim divine sanction for the kingship, that is, for what we call the government and the state. The king derives his authority from the godhead; he is the representative of the Supreme Creator. It must be remembered that the early Indo-Aryan tribal polity comprised a popular assembly but the increase in the size of the territorial units and, above all, the prevalence of warfare tended to concentrate political power into the hands of the monarch. The monarchy is the predominant type of government in Indian history. The early speculators

¹ Aitareya Brâhmaṇa, VIII, 25.

Macdonell and Keith, Vedic Index, II, 84, 223, 5.

The Purohita secures the fall of rain for the crops, says the Rîgveda (X, 98). Vedic literature has preserved some record of quarrels which occasionally arose between kings and priests but theory never questions the right of the latter to occupy a transcendent position.



perceived the true cause of its origin. We are told that "the gods and the demons were fighting.....the demons defeated the gods.....the gods said, 'It is on account of our having no king that the demons defeat us. Let us make a king. So it be.'" Here in the Aitareya Brâhmaṇa the kingship originates in military necessity and derives its validity from consent. But the Taittirīya Brâhmaṇa supplies the divine sanction without which no institution could claim whole-hearted allegiance. Thus we are told that Prajâpati, the creator, imparted lustre and royal powers to Indra who was at first the most inferior among the gods, but who afterwards surpassed all in vigour, strength and valour. Religion figured prominently in the installation of every new king on earth. The act of consecration or coronation was a most momentous one. It drew the consecrated close to the gods. Indeed, it made him one of them. It lifted him above punishment.¹ It consisted of one round of sacrifices, offerings and prayers. Gods like Indra, Soma, Agni and Brihaspati were propitiated. The elements through which the divine essence manifests itself were not forgotten. In the Śatapatha Brâhmaṇa, for example, prayers are offered to seventeen kinds of water for the bestowal of kingship.² The divine element in the kingship is further brought out in a myth which from its style seems to have arisen during the Vedic period though it is preserved only in the first commentary on the Yājñavalkya Smṛiti. It so happened that the benevolence of gods and men failed to bring

¹ Aitareya Brâhmaṇa, I, 14. On the strength of this passage Mr. Jayaswal (Hindu Polity, II, p. 5) emphasises the secular character of the Hindu kingship but in the light of other statements, the contention is not borne out. (Aitareya Brâhmaṇa, VIII, 4, 12; Śatapatha Brâhmaṇa, III, 1, 1, 8; V, 4, 4, 7; Taittirīya Brâhmaṇa, II, 2, 10, 1-2.)

² Śatapatha Brâhmaṇa, Eggeling, III, pp. 42—129. For the prayers to the waters, pp. 73—79. The coronation mantras in the Vedas are repeated in several Purāṇas and many compilations.



the mass of men under control. Prajâpati inquired who should do the necessary work and protect the people. The gods replied that they would create a king in the form of a man out of different attributes like beauty, valour, discipline and sacrifice taken from different gods, Soma, Āditya, Indra, Viṣṇu, and Yama.¹

Here, by the way, is an indication of the evil in man with which gentleness fails to cope and which only firmness can repress. That firmness, in its turn, comes from Divine sources. Firmness, indeed, has always been recognised as one of the prime essentials of government. A hymn in the Atharvaveda thus addresses the new King :—

“Here be you firm like the mountain and may you not come down. Be you firm here like Indra; remain you here and hold the realm.

“Firm is the heaven, firm is the earth, firm is the universe, firm are the mountains, let the king of the people be firm.

“Let the realm be held by you, be made firm by the Rājâ Varuṇa, the god Bṛihaspati, Indra and also Agni.

“Vanquish you firmly, without falling, the enemies, and those behaving like enemies crush you under your feet. All the quarters unanimously honour you and for firmness the assembly here creates you.”²

The king must be firm but it was most desirable that all the organs of the body-politic should work in harmony.

Harmony.

The kingly and priestly powers supplement each other and must operate in concord. The Brahma is the conceiver and the Kṣatra is the

¹ Commentary on Yājñavalkya, I, 350, G., in the Indian Historical Review, September, 1925, pp. 577-78. The passage in question is in the Brāhmaṇa style and is probably borrowed from one of the numerous Brāhmaṇas which have been lost.

² Atharvaveda, VI, 87-8. See also R̥gveda, X, 173.



doer. Religious sentiment assigned the priest a place beside the chiefs of clans or beside the king.

The popular assemblies which existed during the Vedic period must be in harmony with the king. "May the Samiti and the Sabhâ, the two daughters of Prajâpati, concurrently aid me."¹ The concord of the king and his electors is, indeed, most desirable.²

The assembly itself must work in unison. The last hymn of the Rîgveda runs as follows:—

"Assemble, speak together; let your minds be all of one accord,

"As ancient gods unanimously sit down to their appointed share.

"The place is common, common the assembly, common the mind, so be their thoughts united.

"A common purpose do I lay before you and worship with your general oblation.

"One and the same be your resolve, and be your minds of one accord.

"United be the thoughts of all that may happily agree."³

The king swore at the coronation that if he opposed the people, he might be shorn of all the merit he had accumulated in his life. It is recognised that in the people lay the strength of the king.⁴

¹ Śatapatha Brâhmaṇa, IV, 1, 4, 1—6. (Sacred Books of the East, XXVI, 269—271.)

Atharvaveda, 7, 12.

By universal consent, the Sabhâ was a popular body. Some scholars identify it with the Samiti but from this passage it appears to be a distinct organisation.

² Atharvaveda, III, 4, 6. Also Whitney's translation, pp. 253-4.

³ Rîgveda, X, 191, 3 (tr. Griffith, 609).

⁴ Atharvaveda, III, 4, 6.

Macdonell and Keith, Vedic Index, I, 28, 480; II, 213, 210, 201, 200, 220.



The primary duty of the king was to protect the people. The Rigveda calls him "the protector of the people." The idea of protection as embodying the supreme function of royalty or government runs through the whole of Indian political speculation. On the other hand, obedience was due to the king. Such is the bond between the rulers and ruled.¹

Harmony within the realm was strongly insisted on but Hindu thinkers seldom rose to the idea of a harmony among the different states. Inter-state relations. The country was parcelled out among numerous states, which, in the absence of natural frontiers, were frequently at war with one another. In the Atharvaveda, one of the most cherished ambitions of a king is to conquer enemies. Victory in war is the motive of innumerable prayers. For instance, a long prayer to Arbudi and Nyarbudi for assistance in battle breathes a strong, jingoistic feeling. Here is visible a strain of thought which was to receive elaborate development in a subsequent literature.²

Synthesis is of the very essence of philosophy. Social inquiry soon reaches the stage when the Dharma. need is felt of a universal principle to explain the entire scheme of things. Classical Europe fastened on the Law of Nature as a natural, universal law of reason implanted as a principle of life in all hearts. Early in India there arose a similar idea which runs through the whole of Indian philosophy and literature. In the Rigveda Dharma

¹ Rigveda, III, 43, 5.
Vedic Index, II, p. 212.

² Atharvaveda, IV, 22; VI, 38, 39, 97; VIII, 8.
(Bloomfield, Hymns of the Atharvaveda, 115—126.)

During the Râjasûya ceremony the king "symbolically ascends the quarters of the sky as an indication of his universal rule." (Vedic Index, II, p. 219.)



or Dharman means law or custom.¹ But the word soon gathered wider associations. Dharma is the truth; Dharma is morality. It is austerity, charity and purity. All religious exercise is Dharma. Dharma proceeds from the will of the Creator. It is the Law. It is the sustaining principle. It supports human society. None is above Dharma. It is binding on Brâhmanas and Ksatriyas alike. Relying on Dharma, a weak man rules over stronger ones.

The notion of Dharma is thus extraordinarily wide and extraordinarily vague. But it is best summarised as the ruling force, the harmonising principle, the foundation of the social order. "There are three branches of the law; sacrifice, study and charity are the first, austerity the second, and to dwell as a Brahmachârî in the house of a tutor, is the third," says the Chhândogya Upaniṣad. There is a passage in the Śatapatha Brâhmaṇa, in which, after a sacrifice "Varuṇa, the lord of the Law" makes the king "lord of the law; and that truly is the supreme state, when one is lord of the law; for whoever attains to that supreme state, to him they come in law....." But the lordship of the law here means the lordship of justice.²

¹ Macdonell and Keith, *Vedic Index*, I, 390.

² Śatapatha Brâhmaṇa, V, 4, 4, 7.

Bṛihadâraṇyaka Upaniṣad, I, 4, 11—15.

Chhândogya Upaniṣad, 11, 23, 1-2.

Śatapatha Brâhmaṇa, V, 3, 3, 9.

Sacred Books of the East, Vol. XLI, p. 71.

Chhândogya Upaniṣad, Sacred Books of the East, Vol. I, p. 35.



CHAPTER III

The Epics

It is the Mahâbhârata which gives the first clear, comprehensive and, on the whole, consistent account of Hindu political thought.

Political
matter in the
Mahâbhârata.

That great epic, the longest poem in existence, is the work of many poets separated by centuries, ultimately synthesised and edited by an industrious hand. The work existed nearly as we know it in the second century before Christ. The framework of the story of the great civil war between the Kurus and the Pândavas includes numberless episodes which are interspersed with discourses on religion, ethics and all else in life. It reaches its high water-mark in the Śânti-parva, one of the greatest productions of the Hindu genius. At a critical stage of the struggle, Bhîṣma, called the grandfather, —the Grand Old Man of India for all time—was mortally wounded. But he was not destined to give up the ghost until the sun reached a specific position in the heavens in six months. The rival commanders cried a halt and the hostile kinsmen gathered round their ancestor's death-bed of arrows to receive the last words of wisdom. The wandering sage Nârada counselled Yudhiṣṭhira to question Bhîṣma on the duties of man. The old man's discourse ranged over the whole field of human existence, and, *inter alia*, treated of the science and art of government. Bhîṣma or rather the editor refers to several previous thinkers and professes to



quote extensively from them but it is impossible to detach these pieces from the general narrative. Besides, they are obviously meant to complete the discourse; they are interwoven with it and form an integral part of it. It is best to treat them all as one whole. Besides the Śānti-parva, the other cantos contain some political passages which, though independent, serve to illustrate and supplement the main discourse. There are a few minor inconsistencies and some overlapping but the general spirit and atmosphere are the same. When all the passages are collated and interpreted, they are seen to embody a remarkable system. The Mahābhārata speaks the language of the times and sometimes imparts political wisdom through charming tales of animals¹ but the main stock of ideas comes before the reader as the legacy of one of the greatest of sages and warriors.²

Dandaniti is the term employed in the Mahābhārata to denote what has been translated by some scholars as Political Theory. Literally, it means the science of coercion. Viewed in the context as a whole, it is best rendered as the science of government. In consonance with the general trend of Hindu social thought the subject is viewed predominantly as an art. As such, Dandaniti claims precedence over all other branches of study. It is the refuge of "the whole world of life." As the reins check the steed, or as an iron hook controls the elephant, so Dandaniti keeps the world under

¹ Cf. Śānti-parva, CXII, CXVI—VIII, CXXXVIII, CXXXIX.

² On the date, style, etc., of the Mahābhārata see Hopkins, the Great Epic of India. D. R. Bhandarkar, Ghoshal and others have attempted to detach what they call the earlier Arthasāstras from the rest of the political chapters in the Śānti-parva but in the absence of the certainty of dates, the attempts are fraught with danger.



restraint. It destroys every evil as the sun destroys darkness.¹

In its origin, the science of government is older than the state itself. The world began with a Golden Age of perfection when no government was needed.

The Origin
of the Science
of Government.

Then came a period of sin and darkness. The gods were distressed and supplicated Viṣṇu to rescue the world.

Viṣṇu first composed a stupendous treatise on life and government and then instituted a king, that is, the government or state.² Historically or philosophically, the idea that the theory of government was prior to the institution of government cannot be sustained but it shows how clearly Hindu thinkers realised the need of law and regulation as the foundation of human society.

The long description of Viṣṇu's treatise illustrates the Hindu conception of the scope of governmental theory and its relation to other sciences. In all, Viṣṇu

The position
and scope of
governmental
theory.

composed a hundred thousand lessons, A triple aggregate treated of Virtue, Wealth and Enjoyment, and another aggregate dealt with Salvation. Then came the third triple aggregate on governance, comprising Conservation, Growth and Destruction. This was supplemented by another sixfold compendium, treating, *inter alia*, of human psychology, alliances and 'causes.' Envoys and ordinary agents of various classes, secret agents and spies, figured therein. The policies of conciliation, of fomenting discord among enemies, of making gifts and of inflicting chastisement were discussed. Toleration as the fifth great instrument of policy came in for its full share. All aspects of diplomacy, military strategy and tactics were touched upon. The

¹ Śānti-parva, LVI, 2—9.

² Ibid., LIX, 28-29.



methods of extending a dominion were fully explained. "The very extensive branch of learning, called punitive legislation" was there. The seven essential requisites of sovereignty were pointed out and their "waste, growth and harmony" exemplified. The "indications of princes" were noted and the behaviour towards counsellors was laid down. The qualifications of officers of government were prescribed. The administration of justice and "the extermination of the wicked" were dwelt upon.¹ Here is the whole subject of domestic administration and foreign policy, including diplomacy and war. It may all be designated as the science of statecraft. The theory of government proper is always treated in conjunction with other matters bearing on the state. It is conceived as part of a general scheme of all knowledge, secular and spiritual. The mythical history of the sciences is interesting. The hundred thousand lessons composed by Viṣṇu were first mastered by the god Śiva. But in view of the shortness of human life, he felt it necessary to abridge them into one-tenth of their original dimensions. The Vaiśālākṣa, as the abridgment was termed, was learnt by Indra who reduced it to one-half. The Bâhudantaka version was condensed to three thousand by Brihaspati. Finally, the Bârhaspatya edition was reduced to one-thousand by Kavi.² The stages probably mark the evolution of successive schools of thought.

Government is part of the general social order and scheme of human duties. The Mahâbhârata repeats the Vedic myth of the origin of castes. But it does conceive a state of society when no caste existed. People fell from penance and righteousness and were therefore distributed into castes. Elsewhere we are told that, when

The Social
Order and the
Scheme of Du-
ties.

¹ Ibid., LIX, 29-76.

² Ibid., LIX, 80-85.



first created, the four orders differed only in their complexion, the Brâhmanas being white; the Kṣatriyas, red; the Vaiśyas, yellow; and the Śûdras, black. It is, however, significant that a later commentator explains 'white' as implying pure goodness (satwa); red implying passion (rajas); yellow, goodness and passion (satwa and rajas) and black, darkness.

In a different passage, Bṛhgu replying to the penetrating questions of Bharadvâja, states that there is no fundamental distinction between the four orders. The whole world, at first, consisted only of Brâhmanas who were created even before gods and demons. Then those endowed with courage, severity, wrath, and love of pleasure and unmindful of piety and worship became Kṣatriyas. Those who combined goodness with passion and took to agriculture and cattle-rearing became Vaiśyas. Those who had fallen from purity of conduct, who were addicted to untruth, cupidity and malevolence and engaged in all kinds of occupations became Śûdras. All have the right to perform pious duties and sacrifices. Here caste is founded on merit and deed. There are some moral qualities which all should cultivate, which, in fact, are universal duties; such, for instance, are truth, justice, gentleness, forgiveness, simplicity and conjugal fidelity. Then the different castes are to follow different practices. A Brâhmaṇa should study, officiate at sacrifices, practise self-restraint and live in poverty. Teaching is one of the principal duties of the Brâhmanic order. In the Mahâbhârata, as in the Râmâyana, Brâhmanas teach the military arts to Kṣatriya princes. Except in dire emergency, a Brâhmaṇa is never to adopt agriculture, trade or pasture, never to take to service. For then he is equal to a slave, a dog, a mere brute. Such a Brâhmaṇa is to be left without sustenance by the king and is even to be punished like a Śûdra. If a Brâhmaṇa takes to arms, he should, in spite of his mastery of Vedic lore,



be severely chastised. The Kṣatriyas and Vaiśyas should also study the Vedas and perform sacrifices but their professions are different from those of Brāhmaṇas. The Kṣatriya should engage in warfare and display his prowess and ceaselessly protect the people. He should destroy the wicked and robbers. He should never beg for sustenance. At the close of the Civil War, Duryodhana, the leader and last surviving warrior of the Kuru party, offered to resign the dominion of the earth to Yudhiṣṭhira and retire into the forest. Yudhiṣṭhira, however, scornfully rejected the offer. The acceptance of a gift "is not the duty laid down for a Kṣatriya." He would enjoy the earth only after vanquishing his rival in battle. In short, it is military and political duties that fall on Kṣatriyas. The economic life of the community rests mainly with the Vaiśyas. They should practise agriculture and trade. They should tend cattle. When the Creator brought the domestic animals into being, He placed them under the care of the Vaiśyas. From the Yajñopavita or initiation ceremony, these three castes are called Dwija or twice-born. Their life falls into four successive stages—studentship, household, renunciation and asceticism. To serve the twice-born is the duty of the Śādra. Never should he desert his master. He is entitled to work but he is not to amass wealth lest he should lord it over the superior orders. In fact, there is no wealth which he can call his own. All his possessions belong lawfully to his master. He should receive worn-out clothing and other such goods.¹ Beyond the order of four castes lay the border tribes—Yavanas, Kirātas, Gāndhāras, Chinas, Barbaras, etc., etc. They are entitled to perform certain Vedic rites and to make presents to Brāhmaṇas. "They should dig wells and give water to

¹ Śānti-parva, LVI, 28-29; LXII, 4; LXIII, 1-5; LXV, 8-10; LX, 7-16, 20-36; CCXCVII, 3-4; CLXXXVIII, 1-9. particularly 10-14 for the Origin of Caste.



THEORY OF GOVERNMENT IN ANCIENT INDIA

thirsty travellers.¹ But on the whole, they lie beyond the pale of the Hindu social system. That system, then, may be described as consisting of the privileged Dvijas on the one hand and a servile proletariat on the other. The privileged order comprised an aristocracy of learning and religion, another of arms and lastly, followers of various occupations. The Brāhmaṇas enjoyed some exceptional privileges. They were to receive honour and presents from all. Even the king should worship Brāhmaṇas who lived up to the ideal. Their lapses from morality were to be punished with a gentle hand. They are, as a rule, exempt from corporal punishment. Even if they are guilty of the highest crimes such as the murder of a Brāhmaṇa, violation of the bed of their preceptors or seniors, causing miscarriage, or treason against the state, they are only to be exiled,² though in a later passage we are told that all traitors, be they preceptors, kinsmen or friends, should be slain.³ On learned virtuous Brāhmaṇas the king should bestow all the land conquered in war. Apart from privileges, theory sometimes makes claims of an extreme character for the Brāhmaṇas. Charged with the upkeep of the Vedas and other scriptures, the Brāhmaṇa appears on earth as the lord of all creatures. In consequence of his birth and precedence, he is the master of everything that exists in the universe. What he eats is his own. The place he inhabits

¹ Śānti-parva, LXV, 17—19.

The Anuśāsana-parva prohibits Brāhmaṇas from accepting food from Śūdras. See CXXXV, 2—6. The same parva lays down that any one who left his own occupation and followed that of a Śūdra should be considered a Śūdra. (Ibid., 10). For the dialogue between Duryodhana and Yudhiṣṭhira, see Śālyā-parva, XXXI, 54—56, also 65.

² Ibid., LXXI, 3—4; LVI, 32—34. For the Myth of the Origin of Castes, LXXII, 4—8.

³ Ibid., LVII, 5—13.



is his own. What he gives away is his own. If the Kṣatriya wields sovereignty, it is because the Brāhmaṇa refused it.¹ In any case, the fundamental laws of the social order must be enforced. It was the eternal duty of kings to prevent the confusion of castes and duties.² That indeed, is one of the objects for which government had come into being.

The Mahābhārata theories of the origin of government, or rather, the state, present some striking points of comparison

The Origin of Government. and contrast with European theory. In a passage of poetic brilliance the Vana-

parva records how in very ancient days men lived a pure, godly life. They were, in fact, equal to gods. They could ascend to the heavens and return to earth at will. The wishes of all were fulfilled. Sufferings were few and real trouble or fear was none. Perfect virtue and happiness reigned. The span of life extended over thousands of years. But all this changed after a long while. The Śānti-parva, too, has it that there was at first a sort of Golden Age where-in existed neither sovereignty nor king, neither chastisement nor chastiser. All men used to protect one another righteously. But after a while their hearts were assailed by error. Their faculties of perception were clouded; their virtue declined; greed and avarice set in. The downward course continued. Wrath disturbed human relations and then came the blight of unrestrained sexual indulgence. Distinctions between virtue and vice vanished. The Vedas disappeared and righteousness came to an end. Now the gods were alarmed. The extinction of pious rites and

¹ Ibid., LXXII, 10–17. Also LXXIII, 29–32. On Brahmanic privileges, see also Vana-parva, CXXXIII.

² Śānti-parva, see also Vana-parva, CCIX, LVII, 15.

For an animated description of the successive stages of the fall as it appears through the ages, see Ibid., CXLL.

sacrifices on earth, the essence of which sustains the celestial beings threatened them with distress and fall.¹ They approached Viṣṇu who composed an all-comprehensive treatise. "Indicate, O God," said the gods to Viṣṇu, "that one among mortals who deserves to have superiority over the rest." But Viṣṇu did not think fit to invest any of the existing individuals with authority. He reflected a little and, by a fiat of his will, produced out of his own energy a son named Virajas. But the dynasty founded by Virajas came to grief when Vena, one of his descendants, became a slave of his passions. The higher powers intervened once again. The sceptre was entrusted to the son of Vena who expressed his willingness to perform any useful task entrusted to him. The gods and the R̥ṣis charged him to discipline himself, to maintain and enforce the Vedic religion and precepts, to persevere in righteousness, to look at all creatures with an equal eye, and never to act from caprice.² Here is a clear conception of the state of nature which preceded political society. There, for a while, men lived according to righteousness, an idea which reminds one of Grotius, Pufendorf, Locke and even the Rousseau of the Discourses. But divine interposition, not mere human effort, is called in to rectify the rottenness in which the Golden Age had ended. Another theory of the origin of the state which Mahābhārata has preserved brings us a little nearer Hobbes. It paints the state of nature not as a Golden Age of righteousness but as a period of terrible anarchy. Men dined on one another

¹ Vana-parva, CLXXXIII.

Śānti-parva, LIX, 14—27. Elsewhere we are told that on the other side of Himavat there is a region where perfect virtue and happiness still prevail. There, however, some people thought fit to practise austerities. See Śānti-parva, CLXCII, 7—23.

² Ibid., LIX, 87—89.



like fishes in the waters. People got weary of it. They made certain pacts among themselves to the effect that any one who was harsh in speech, or violent in temper, who robbed others of their wealth or seduced or abducted the wives of others, should be cast off by the rest. The object of the pact was to inspire confidence among all classes of the people. So they lived for a while but, after some time, they felt acutely the need of a king. They assembled and approached the Grandsire, saying, "without a king, O Divine Lord, we are going to destruction. Appoint some one as our king! All of us shall worship him and he shall protect us." The Grandsire nominated Manu to be a king but Manu replied, "I fear all sinful acts. To govern a kingdom is exceedingly difficult, especially among men who are always false and deceitful in their behaviour." But the people gave an assurance to Manu. "Don't fear" they said to him. The sins would touch only those who committed them. They promised to contribute to his treasury one-tenth of their crops and one-fiftieth of their animals and precious metals, to give him the most beautiful maidens in marriage, and to depute the foremost of their warriors and riders to form his retinue. So, strong and invincible, he would be their king and protect them happily. A fourth part of the merit which they would earn would go to him. "Like the sun scorching everything with his rays, go out for winning victories, crush the pride of foes and let righteousness always triumph." Thus reassured, Manu assumed the sceptre and descended on the world with a large force. Struck with fear, the people put themselves to their duties. Manu made a round of the world, extinguished wickedness and set every one to his duty.¹ In this account the state of nature is reminiscent of Hooker and Hobbes but the first pact only establishes society. Ex-communication is the only

¹ Ibid., LXVII, 17-32.

instrument for enforcing social conventions. Government is instituted by the joint action of human intelligence and divine will. Protection on one side and obedience and financial contribution on the other, are the essential conditions of political organisation. Throughout, a low view of human nature is in evidence. Left to themselves men devoured one another. They are false and deceitful. Only a strong man can keep them in order and make them attend to their duties.

Herein consists the supreme importance of government. It is only through fear of the king that people do not eat one

another. The king alone brings peace on earth.¹ If the king did not perform his function, the strong would rob or kill the weak. The righteous people would be terribly oppressed and unrighteousness would be adopted by all. None could say of any article of diet or any other property that it was his. The very sense of property, of 'mine-ness,' would disappear. Nor would one be able to claim his wife or son as his own. For all regulations of marriage and morality would cease to operate. In short, "Society itself would cease to exist."² There is really no one who can be happy in a state of anarchy. If sinful men deprive others of their possessions, they are themselves assailed by more powerful persons who, in their turn, are exposed to similar risks from yet stronger combinations. Women are abducted. Like cattle without a herdsman, like fishes and birds attacking one another, men sink into darkness and rush headlong to destruction.³ In a word, anarchy is "the worst possible of states." None should live in it.⁴ "One should first select a king.....Then

¹ Śānti-parva, LXVIII, 8-9.

² Ibid., LXVIII, 13-31.

³ Ibid., LXVII, 12-16; LXVIII, 10-13.

⁴ Ibid., LXVII, 2-4.



should he select a wife, and then earn wealth. If there be no king, what would become of his wife and acquisitions."¹ In modern phraseology, the state is prior in importance to the family or private property, both of which, in fact, it alone makes possible. If the working of Government is disturbed, all creatures are overtaken by evil. The Mahābhārata emphasises the idea by putting it into a mythological form; it was kingly duties which first flowed from the original god and then other duties came from his body. Kingly duties comprise all kinds of renunciation, initiation, learning and worldly behaviour.²

The king who, in Hindu political speculation, means the government or even the state, is then no ordinary mortal. He

Loyalty to the
King or Govern-
ment.

is a celestial being who, on the exhaustion of his merit, descends on earth, "conversant with the science of chastisement"³ he is Indra; he is Yama; he is Dharma. He sustains and supports everything. He assumes different forms.* He becomes Agni, Āditya, Mrityu, Vaiśravaṇa and Yama on different occasions. Like Agni or fire, he burns sinful offenders with his fierce energy. Like Āditya or the sun, he observes the doings of all and promotes the general good. Like Mrityu or death, he destroys in his wrath hundreds of wicked men with their kinsmen. Like Yama or the god of Destiny, he restrains the wicked by severe punishments and favours the righteous with rewards. Again, like Vaiśravaṇa he rewards valuable services and fines offenders.⁵ "The very gods

¹ Ibid., LVII, 40; LXIV, 2, 21, 22-30; LXIII, 29.

People seek the protection of a competent king as birds seek refuge in a tree (LXXV, 18).

² Ibid., LIX, 133-34.

³ Ibid., LXXII, 25.

⁴ Ibid., LXXII, 25.

⁵ Ibid., LXVIII, 39-47.

do not disregard a righteous king who is truly an eternal god." A mortal who slights him loses the fruit of all his gifts, libations and offerings to the Pitris.¹ Every one who desires prosperity should worship the King as he himself should worship Indra.² The king is the foremost among men, as Agnihotra is the foremost among Vedic sacrifices, as the Gâyatri is the foremost among metres and the ocean foremost among waters. People should bow before kings as before their preceptors.³ One who obeys and gratifies the king gains this world and the next. He who thinks of injuring the king comes to grief here and is consigned to hell hereafter. The king's wrath is all-consuming. None, not even the king's son or brother, companion or *alter ego* can make himself happy by disloyalty to the king. None should spread evil reports about him.⁴ The king is the heart of the people, their great refuge, their glory, their highest happiness.⁵ The king's property is sacrosanct as nothing else is. One should turn away from it as from death itself. One should guard it as one's own. He who appropriates it meets with destruction like "a deer touching upon poison," and "sinks senseless into a deep hell of eternal gloom and infamy."⁶ It is best to yield ready obedience to the king. The tree that bends easily has to suffer no torture. The wood that bends is not heated. So, men should bend before the powerful, which really means bending one's head before Indra.⁷ It is, of course, essential, that the king should perform his functions well. If so, peace, order and security reign

¹ Ibid., LXV, 29.

² Ibid., LXVII, 4.

³ Ibid., LXVII, 34; XXXVIII, 110.

⁴ Ibid., LXVIII, 48—50; LXVIII, 39—41.

⁵ Ibid., LXVIII, 48—50.

⁶ Ibid., LXVII, 4.

⁷ Ibid., LXVII, 8—11.



everywhere. Men become righteous and dutiful; instead of injuring, they serve one another. The members of the three higher castes are enabled to devote themselves to study and religion. Women, decked with every ornament, may fearlessly wander alone everywhere.¹

Besides a strong government, there is another condition on which the stability of the social order depends. The Brâhmana and the Kṣatriya, that is, the priestly and political powers, must work in harmony. The king must always respect the Brâhmanas. Fire has sprung from

Harmony between the Kṣatriya and the Brâhmana.

water, iron from stone and the Kṣatriya from the Brâhmana. The three products can exert their force on everything else but if they come into conflict with their progenitors, their force is at once neutralised.² It is the "great intelligence" and "sound counsels" of a well-born Brâhmana, endowed with wisdom and humility, that guide the king in every matter and lead him to prosperity. The Brâhmana points out the duties which the king is to observe. If the Kṣatriya and the Brâhmana fight each other, ruin overtakes the kingdom. If Brâhmanas abandon Kṣatriyas, education, prosperity and sacrifices disappear. Kṣatriyas who abandon Brâhmanas become impure in blood and assume the nature of robbers. The Brâhmana and the Kṣatriya are connected with each other by nature. Either protects the other. The Kṣatriya is the cause of the Brâhmana's growth and the Brâhmana is the cause of the Kṣatriya's growth. If they help each other, they attain to great prosperity. If their traditional friendship gives way, a confusion sets over everything.³ Again, it is emphasised that the Brâhmana and the Kṣatriya have a common origin. The power of penances

¹ Ibid., LXVIII, 32-35.

² Ibid., LVI, 24-25.

³ Ibid., LXXVII, 10-17; LXXIII, 8-18.



and mantras was bestowed upon Brāhmaṇas and the might of arms and weapons upon Kṣatriyas. If they apply their forces separately, they can never uphold the world. If kings are supported by powers of both descriptions, they can well protect their subjects, that is, perform the real functions of government. Between themselves, the Brāhmaṇa and the Kṣatriya are the rightful owners of everything in the universe. But the virtuous king should yield precedence to Brāhmaṇas and rule the kingdom by their aid. Then he can subjugate the whole earth and achieve transcendent fame.¹ It is, however, understood that the Brāhmaṇas are not actually to run the governmental machine. Once the experiment had been tried and disaster had ensued. Having slain the Kṣatriyas, Paraśu Rāma made a gift of the earth to Kaśyapa who presented it to the Brāhmaṇas. But under Brahmanic rule, the strong began to oppress the weak; order disappeared; anarchy set in; the earth sank to the lowest depths. In this dire predicament, the earth begged Kaśyapa for a Kṣatriya king. The few surviving Kṣatriyas were sought out and appointed to the task of government.² The Hindu politicians think in terms of caste but an analysis of their ideas makes it plain that they emphasise the need of the union of political authority with the strength of learning and legal equipment. The Brāhmaṇas were the repositories of wisdom. It was essential to harness their intellectual power in the service of the administration. They alone could be expected to hold aloft the torch of principles and guide the formulation of policy. This is what explains the insistence of the Māhābhārata and other political treatises on the necessity of every king having a learned priest. Indeed, we are told that the king should first instal the priest in his office and then

¹ Ibid., LXXIV, 13—15, 22.

² Ibid., Rājadharmānusāsana-parva, I, 50—86.



arrange his own coronation.¹ It is the priest who dispels all the invisible fears of the subjects. If the preservation and growth of the kingdom depend on the king, the preservation and growth of the king himself depend on the priest.²

The alliance between the Brâhmaṇa and the Kṣatriya is, of course, all important but it is recognised that general

General Harmony. social harmony and co-operation are

necessary to perfect happiness. Following their respective duties, the three higher castes should endeavour to maintain harmony. All the four orders should attend to their functions; wholesome barriers should be maintained.³

All the harmony, however, depends on the active exercise of governmental powers. The prosperity of the social order,

The Energy of Government.

its very existence, is bound up with the king's performance of his duty. The kingly duties stand in the forefront of all duties.

It is they which protect the rest. As the footprints of the elephant engulf those of all other animals, so the duties of the Kṣatriya engulf those of all other orders under every circumstance.⁴ It is the king who always makes the age, not *vice versa*.⁵

It follows that within the limits prescribed by the fundamentals of social organisation the activity of the govern-

The Functions of the Government.

ment knows no bounds. Its primary duty is to enforce the social order and see that every one performs his function and adheres to his duty. If this task is accomplished

to perfection, the result is the advent of a golden age.

¹ Śānti-parva, LXXXIII, 29.

² Ibid., LXXIV, 1-2.

³ Ibid., LXIX, 77-78.

⁴ Ibid., LXIII, 25, 27; LXV, 5-7.

⁵ Ibid., LXIX, 79.



Unrighteousness disappears, diseases vanish, none is left in widowhood or misery. Nature itself is affected. The earth yields crops without tillage; herbs and plants grow in luxuriance; barks, leaves, fruits and roots—all become vigorous and abundant.¹ When order is enforced to the extent of three-fourths of perfect efficiency, there comes the Tretâ Age, while half the efficiency produces the Dwâpara. When, however, the king practically renounces his duty and indulges in oppression, the Dark Age sets in. Brâhmaṇas live by serving others and Śâdras usurp the garb of mendicancy. Castes are intermixed.² Now, "it is the eternal duty of kings to prevent a confusion of duties in respect of the different orders."³

Under the stress of extraordinary circumstances, however, the law of professions is relaxed. For righteousness becomes

Exceptions to
the law of pro-
fessions.

unrighteousness and *vice versa* according to time and place. On three occasions, is the Brâhmaṇa permitted to bear arms; when he has to defend himself, when he has to chastise robbers and when he has to compel others to betake themselves to their duties. In times of distress, too, he may adopt the profession of a Kṣatriya and, failing that, of a Vaiśya, though he is permitted to sell only certain articles and strictly barred from dealing in others.⁴ When Kṣatriyas fail in their duty, Śâdras are also allowed to bear arms.⁵ As a rule, however, all must stick to the duties assigned to them.

The Government should actively promote righteousness and never allow it to fall into decay.⁶ The king must

¹ Ibid., LXIX, 81—86

² Ibid., LXIX, 87—105.

³ Ibid., LVII, 15.

⁴ Ibid., LXXVIII, 21—24; 2—11. See also Râjadharmânuśâsana-parva, Sec. IV, where Brâhmaṇas learn the arts of warfare.

⁵ Śânti-parva, LXXVIII, 38—44.

⁶ Ibid., XC, 17.



severely punish all unrighteousness or he will incur obloquy among men and the gods will desert his

Righteousness. mansion. For in a state of sinfulness, there can be no enjoyment of family life or property. Righteousness takes the king to heaven while unrighteousness flings him into hell.¹ So all must be compelled to follow righteousness. Those who are attached too much to worldly objects, who disregard wholesome restraints and who are, therefore, like brutes, should be compelled to return to duty.²

This is of the very essence of that protection for which the government stands pre-eminently. In one of his questions,

Chastisement. Yudhiṣṭhira refers to Danda, Chastisement or Coercion in a most remarkable fashion.

“Of what kind is he? What is his form? Of what is he made? Whence is his origin? What are his features? Who is he that remains eternally wakeful protecting this universe? Who is he that is known to be the foremost of all things?”³ Bhiṣma replies that chastisement is that which keeps up righteousness. The embodiment of chastisement is he who protects all by an impartial exercise of the rod. “Chastisement is a great god. In form he looks like a blazing fire. His complexion is dark like that of the petals of the blue lotus. He is equipt with four teeth, has four arms and eight legs and many eyes. His ears are pointed like shafts and his hair stands erect. He has matted locks and two tongues. His face has the hue of copper and he is clad in a lion’s skin.”⁴ Such is the monster set up to teach mankind their duty. On earth he assumes various forms—the sword, the bow, the mace, the dart, the trident and all sorts of weapons. “Indeed, chastisement moves on

¹ Ibid., XC, 4–6, 10–16; XCII, 6–19.

² Ibid., LXV, 7.

³ Ibid., CXX, 5–7.

⁴ Ibid., CXX, 8–16. The translation is Mr. P. C. Roy’s.

earth, piercing, cutting, afflicting, lopping off, dividing, striking, slaying, and rushing against its victims. These... ..are some of the names which chastisement bears, viz., Sword, Sabre, Righteousness, Fury, the irresistible, the Parent of Prosperity, Victory, Punisher, Checker, the Eternal, the Scriptures, Brahma, Mantra, the Avenger, the Foremost of First Legislators, the Judge, the Undecaying, God.....the Ever-agoing, the First-born, the Affectionless, the Soul of Rudra, the Eldest Manu and the Great Benefactor."¹ In a later verse, he is given eight other names—God, Man, Life, Power, Heart, Lord of all Creatures, Soul of all Things, the Living Creature."²

He assumes the form of an army and is thus the author of kingdoms.³ To sum up, chastisement is the holy Viṣṇu, the puissant Nârâyaṇa.⁴ God himself has sent chastisement to be employed by Kṣatriyas. This eternal chastisement is itself the soul of impartial chastisement.⁵ In the course of a delightful story we are told that the disappearance of chastisement was followed by the fall of morality and law. "All idea of property ceased." No longer did any one cherish the slightest consideration for his neighbour. The strong began to slay the weak.⁶ Morality is the wife of chastisement, while she herself is the mother of the Universe. Moral life depends on chastisement. Among the forms of chastisement, therefore, are mentioned all psychological moods and varieties of moral feeling.⁷ But for chastisement, then, all creatures would grind one another. He is the refuge of all.

¹ Ibid., CXX, 17—22.

² Ibid., CXX, 41.

³ Ibid., CXX, 47.

⁴ Ibid., CXX, 23.

⁵ Ibid., CXX, 48.

⁶ Ibid., CXXII, 14—21;

⁷ Ibid., CXX, 25—33.



Chastisement is the only guarantee for Religion, Righteousness, Modesty, Profit and Universal Happiness. But for it, no maiden will marry, nobody will milk a cow, nobody will study the Vedas. It is the root of everything.¹ Behind all this philosophy and mythology of coercion lies the conviction that man is essentially low, vile and selfish and can be kept, only with difficulty and harshness, on the straight path. There are, indeed, some who desist from sin through fear of Yama's rod, of the next world or of society but there are others whom only the king's rod keeps from devouring one another. The *Mahābhārata* is never tired of repeating that if the rod of chastisement did not "protect" the people, they would sink into the darkness of hell. Fear, then, was the predominant motive to obedience. Such, at any rate, was the existing state of things. There was, indeed, a time, long long ago, when men were truthful, little disposed to wrath or wrangling and when they could be governed easily. It was then enough to cry "fie" by way of punishment. Next came a period when harsh speech of censure was enough. The ages of fines and forfeitures followed. But the present day necessitated even the punishment of death. A robber, for example, was outside the pale of society.² The severity of punishment and of government keeps pace with the deterioration of human nature.

That is why the institution of government is so all-important and all-pervasive. Its mighty, irresistible coercive authority alone makes life, property, morality or virtue possible. It is, of course, necessary, that chastisement should be inflicted with discrimination. It should never be capricious,

The Rule of
Law.

¹ Ibid., CXX, 34-35; XV, 31-46. Elsewhere the *Mahābhārata* says that if the science of chastisement disappears, all the Vedas and scriptures will be lost (LXIII, 28).

² Ibid., XV, 4-7; CCLXVII, 16-22.

but should always be guided by righteousness.¹ Government, then, while strong and relentless, is never to be arbitrary. The realm is to be governed by policy, not by fancy. The king should lay down rules and regulations and carefully observe them. These gladden the heart of the people. Even trivial matters should be disposed of according to rules. Government by regulation delights the people. Royal officers should also carry on the administration according to rules.²

Chastisement may involve harshness but the attitude of the government towards the people should be, at bottom, a paternal, affectionate one. The king should behave towards his subjects as a mother towards her offspring, disregarding all comforts and making all sacrifices in the interest of the latter. If the king does not love his people, he inspires great anxiety.³ He should feed those who have not been fed. He should wait upon those who are old in years. He should speak sweetly with a smiling countenance, for sweetness of speech brings popularity. The king whose subjects are honoured never comes to grief.⁴ Affection and grace of manner, however, are not synonymous with weakness and imbecility. A spirit of moderation should inspire the administration. If the king is always forgiving, he is prevailed upon by the lowest of persons. A mild king is regarded as the worst of his kind. Nor, on the other hand, should he always be fierce. "He should be like the vernal sun, neither cold nor so hot as to produce

¹ Ibid., CXII, 40, 42-51.

² Ibid., CXX, 52; CXXXIII, 13-16.

³ Ibid., LVI, 43-45.

⁴ Ibid., LVII, 18-22; LXVII, 37-38; LXXXIV, 3-10; CXXXIX, 106-110.



perspiration.”¹ It is necessary that he should maintain his prestige. Let him not be too free or jocular with his servants or they will hold his power in sport and contempt, betray his counsels and laugh at his displeasure.² So the king should strike the balance between strictness and mildness. Let him combine the attributes of mother, father, preceptor, protector, and the gods of fire, wealth and death, adopting the attitudes of all towards his subjects, *inter alia*, scorching the wicked and rewarding the righteous.³ A king who knows his duty should assume many forms as the peacock puts forth plumes of diverse hues. He must assume that particular hue or form which suits the purpose in view. The king must be discriminate and impartial. It is not safe to live in a country where good and evil are regarded in the same light.⁴

Protection of the people, in the widest sense, material and moral alike, is the primary function of the government, the very essence of the kingship. The term, as used in the Mahābhārata, sometimes means energy and efficiency, sometimes beneficence and righteousness, and sometimes justice and enforcement of order but it is best translated as firm paternalism.⁵ The merit which the king earns by a single day's righteous protection of the people brings him a reward which lasts for ten thousand years.⁶ A monarch who can afford no protection is to be shunned like a leaky boat, or an ignorant priest.⁷ A king who

¹ Ibid., LVI, 36—40.

² Ibid., LVI, 48—61.

³ Ibid., CXXXIX, 102—105.

⁴ Ibid., CXX, 4—6; LXXXII, 41; *et. seq.*

⁵ Ibid., LVIII, 1—4. See the elaborate list of the means of protection, LVIII, 4—24.

⁶ Ibid., LXXI, 29.

⁷ Ibid., LVII, 43—44.

does not protect his subjects is a thief and sinks into hell. If a weak person fails to find a rescuer, the great rod of divine chastisement falls on the king. Protection is supremely important because it is the prime means of human happiness. In one of the dialogues of the Śāntiparva, Bhṛigu declares that happiness is an attribute of the soul and is in itself desirable. The Heaven is Light and Hell is Darkness. The Truth is Righteousness ; Righteousness is Light and Light is Happiness. The doctrine was incomprehensible to Bharadvāja who protested that Ṛṣis sought something higher and that happiness as an ideal was not acceptable to high-souled people. Bhṛigu, however, reiterated his position. The trend of the Mahābhārata is towards emphasising popular happiness as the goal of governmental activity.¹

Protection is a universal duty, but the Brāhmaṇas claim some special consideration. They must be well-

Special protection of Brāhmaṇas.	caréd for and in return they will protect the king. "Their blessings.....would surely descend upon kings of righteous behaviour." ² All should take up arms in defence of Brāhmaṇas. ³ Fruit-trees were supposed to be the property of the Brāhmaṇas. Only after they had been satisfied, could the surplus go to others. ⁴ If a Brāhmaṇa intends to migrate, the king should entreat him to remain in his own kingdom. If his own persuasion failed, he should seek the good offices of an assembly of Brāhmaṇas. If necessary,
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¹ Ibid., CXXXIX, 99-100; LXXXVIII, 23.

On the general promotion of righteousness and protection, see also XCII, 6-19.

For the dialogue between Bhṛigu and Bharadvāja, see Śānti-parva, II.

² Ibid., LXXVII, 32.

³ Ibid., LXXVIII, 27-28. So too, the Brāhmaṇas may take up arms in defence of the other three orders.

⁴ Ibid., LXXXIX, 1-2.



the intending emigrant should be provided with means of sustenance. The king should provide for a Brâhmana who is driven by poverty to thieving.¹ Elsewhere, the worship of Brâhmanas is inculcated as the foremost duty of kings. They should be cherished and protected like children. Even if they practise trade, agriculture or robbery, they should be held in esteem. In origin, Brâhmanas are anterior to Pitris, deities, nâgas (snakes), Râkṣasas (demons) or human beings in general.² Birth alone entitles a Brâhmana to adoration from all creatures.³ There is nothing higher than a Brâhmana. Gods, ancestors, all are gratified when Brâhmanas are gratified. The earth itself had declared that the service of Brâhmanas was excellent and cleansing. All acts hurtful to Brâhmanas lead to discomfiture and ruin.⁴ Brâhmanas should be protected like sons and worshipped like fathers. A Kṣatriya, a hundred years old, should look upon a Brâhmana boy of ten as a father. The Mahâbhârata takes another simile and declares that Brâhmanas are to Kṣatriyas as husbands are to wives. Or again, if the earth has accepted the Kṣatriya for her lord, it is because she failed to obtain the Brâhmana.⁵ Those who offend against Brâhmanas must be exiled. The Brâhmana's wealth must be protected in particular. "Everything is protected by protecting the Brâhmana's wealth."⁶ Here, as elsewhere, the poetic form in the Mahâbhârata is injurious to exactitude of thought and expression, and occasionally leads to self-contradiction. But the general purport is clear that Brâhmanas are entitled to special consideration.

¹ Ibid., LXXXIX, 3-6; LXXVI, 3-13; LXXVII, 2-7.

² Anusâsana-parva, XXXIII, 2-19.

³ Ibid., XXXV, I.

⁴ Ibid., XXXIV, 1-4, 6-8, 22-27.

⁵ Ibid., VIII, 20-22.

⁶ Śânti-parva, LXXV, 10-12.

On the other hand, Brâhmaṇas should prove themselves worthy of the special treatment. They must combine intelli-

Duties of
 Brâhmaṇas. gence and learning with moral discipline.

They must be harmless, kind and charitable to all. They must be modest, humble and contented.¹

The principle of righteousness and protection includes that of justice. Justice is the very basis of the stability of

Justice. the state. If justice is upset, the king-

dom withers away like a boat wrecked at sea. Those who disgrace the seat of justice by inflicting injustices sink into hell along with the king. Disputes should be decided on the evidence of witnesses. In the absence of witnesses on one side or the other, the king should give the case a special consideration. The wealthy should be punished with fines and confiscations; the poor with loss of liberty and the wicked with corporal inflictions. Treason must be punished with death effected by various means. So, too, arson, theft and such sexual intercourse as may lead to a confusion of castes. None should be punished for the fault of another. No offender, however dear to the king, should escape punishment. If a king inflicts capricious punishments, he earns infamy on earth and sinks into hell hereafter.²

If righteousness and protection are absent from the policy of the king, he forfeits all title to obedience. If he

The condition
 of loyalty. falls under the influence of vicious and sinful ministers and destroys righteousness, he and his family deserve to be

slain by his subjects. In any case, he soon meets with destruction.³ Here the Mahâbhârata places a sharp and

¹ Ibid., LXXIX, 2-6. For the duties of Brâhmaṇas see also CCXXXIV, 7-15; CCXXXV, 3-12.

² Ibid., LXXV, 13-22, 25; XCI, 35.

³ Ibid., XCII, 9.



decisive limitation on the doctrine of loyalty, almost of passive obedience, which it inculcates elsewhere. It does not work out any philosophy of resistance nor does it base the right to revolt on any clear conception of human rights. It only lays down a proposition that if the king destroys righteousness, he must be got rid of.

The Government should control drinking shops, public women, gamblers and keepers of gaming houses, pimps, actors and other such people. While the Government must ceaselessly foster righteousness and look after the moral welfare of its wards, it is not to aim at uniformity of law and custom. The Mahâbhârata expressly forbids the king to exterminate the special customs of families or old countries.¹

The promotion of the material interests of the people is the part of the essential duty of the government. It is the task of the government to make the earth habitable and comfortable for men. It was an early king who had levelled the surface of the earth, removing the rocks and rocky mountains which lay all around.² The government should reclaim land for cultivation and fertilise it. Agriculture should not be wholly dependent on rain. Large tanks and lakes must be excavated all over the kingdom at suitable places. Agriculturists should not want seed or food. Loans of seed grain should be granted to them. Measures should be taken against fire, snakes, and other destructive beings. Diseases should be provided against. The risk from Râkṣasas should be guarded against.³ The development

¹ Śânti-parva, LXXXVIII, 14 ; LXXV, 19.

² Ibid., LIX, 114-115.

³ Ibid., LXV, 2; V, 17, 21.

of means of communication was one of the duties of the government. The king should cause wide roads to be laid out and shops and watering stations to be erected at proper distances.¹ Everywhere in the kingdom robbers must be exterminated. Upon such foes the rod of chastisement should fall like death. No one should be pardoned from caprice.² If thieves are not brought to book, it is the duty of the king to compensate the owners of stolen property. On occasions like the Rājastūya, boundless charity was expected of the king. On the king depends the prosperity of the realm. Yudhiṣṭhira's justice brought rains and plenty. The Mahābhārata inculcates charity on the part of the king but interdicts all begging on the part of the people, except in days of distress. If every one abstained from work and lived by begging, the world would certainly come to an end. It was robbers who generally gave money to beggars. Neither beggars nor robbers are to be tolerated.³

The Government should always aim at efficiency. Energy is one of the prime requisites of the king. Efficiency. Everything can be acquired by exertion. Exertion is the foremost of all things.⁴

In the Mahābhārata the discussion of governmental organisation is bound up with its personnel and personal qualifications. At the top stands the king. Governmental Organisation. He must perforce trust his ministers and people. Universal distrust is worse than death. But he must not rely completely on others. He must personally dispose of the most important transactions of Government. He must constantly take stock of his

¹ Ibid., LXIX, 53.

² Ibid., LXXV, 5.

³ Ibid., LXXV, 10; XIII, 40-41. LXXXVIII. 16-17, 23-24.

⁴ Ibid., CXX, 45, also CXII.



own resources and those of his enemies. He must wake up early and lay out his programme of the day in the early hours of the morning.¹ His qualifications are commensurate with the transcendent importance of his office. The insistence of the Mahābhārata on knowledge and wisdom in the supreme ruler reminds one of Socrates and Plato. Perfect moral discipline is an equally important requisite. The king must first subdue his own senses and then subdue his foes. "He should have his soul under control." He must be free from avarice, pettiness, irritability and other such vices. He must practise thirty-six virtues such as kindness, faith, honesty, temperance in pleasures. He must divide his time judiciously between religion, pleasure and profit.²

Every king must have a number of officers to assist him. "A king without a minister cannot govern his kingdom even for three days."³ Here the

Ministers.

reference appears to be to the chief minister. Birth is not mentioned as a qualification for his post. In the Sabhāparva the Mahābhārata seems to prescribe seven principal officers—the commander of forces, the second in command, the governor of the citadel, the chief priest, judge, physician and astrologer. To the chief offices as a whole the Mahābhārata counsels the appointment of four Brāhmanas, three Kṣatriyas, twenty-one Vaiśyas, three Śūdras and one Sāta.⁴ It is remarkable that even the outcastes are not altogether unrepresented. It is significant that Śūdras, though consigned to the service of the superior caste, are admitted to high office. Perhaps it was felt that the Government must know their point of view. Perhaps their re-

¹ Ibid., LXXX, 9-10; Sabhā-parva, V.

² Śāntiparva, LVII, 21-22, 30-36; LXIX, 3-4;

CXX, 40-43; LXXX, 2-113. Sabhā-parva, V.

³ Śānti-parva, CVI, 11.

⁴ Ibid., LXXVV, 6-10. Sabhā-parva, V.



presentation was necessary to win their loyalty. Their share in the higher counsels of the Government, however, was scanty. They must have formed a very large proportion of the population but they obtain only three out of the thirty-seven chief offices. Among the three higher castes, offices seem to be distributed more or less according to the numerical proportion. When possible the king should consult only one minister, lest secrets should be betrayed and responsibility should be undefined. The *Sabhâparva*, however, inculcates a different view. It forbids the king to consult only one person. The practice of putting offices in commission is discouraged. A single person should be appointed to one task. If more are appointed, they may disagree with one another or even refuse to tolerate one another.¹ All these officers must be men; women are barred from consultation on high matters of state, probably, because they are supposed to be incapable of keeping secrets.² The *Mahâbhârta* seems to indicate a circle of followers from among whom the officials were probably selected. The king, it is said, is surrounded by five kinds of men, those who have the same object, those devoted to him, those related to him by birth, those won over, and those who follow righteousness. The third and fourth classes of persons are never to be completely trusted. In any case, the king is never to be careless in keeping a watch over his friends, though he should always speak in soothing terms to all his servants.³ A feudatory chief always chafes at the prosperity of his overlord. A kinsman is always jealous of a kinsman's prosperity.⁴ If any servants become disloyal, their faults should be proved and they should

¹ *Śânti-parva*, LXXX, 24; *CHII*, 25-27, *Sabhâ-parva*, V.

² *Śânti-parva*, LXXXIII, 55.

³ *Ibid.*, LXXX, 3-7; *CXIX*, 15.

⁴ *Ibid.*, LXXX, 30-31.



be struck down one by one. For instance, a king of Kosāla first got rid of his disloyal ministers and only then succeeded in subjugating the earth.¹ Only too often avarice and wrath produce hostility between the king and his nobles. They assail each other by means of espionage, stratagems, physical force, etc., or by gifts and arts of conciliation. They seek to weaken and devastate each other and ultimately both meet with destruction. All this should be avoided.² The higher officers should possess a variety of qualifications. Birth is one of them. The minister must have courage and intelligence—the two qualities which can conquer both the worlds.³ All ministers, counsellors and generals should be endowed with moral excellence and discipline, capacity and loyalty.⁴ Covetous men are not to be appointed to any offices.⁵ Every servant should be appointed to the job for which he is fit. If a dog is placed in a situation above his proper reach, he is intoxicated with pride. “A Śarabha should occupy the position of a Śarabha; a lion should swell with the might of a lion; a tiger should be placed in the position of a tiger; and a leopard should be placed as a leopard.”⁶ In the selection of colleagues, the guiding principle is that of a similarity of dispositions. “A lion should always make a companion of a lion.” Associated with a pack of dogs, a lion fails miserably in his duties.⁷

Besides the officers at headquarters, the consolidation of the kingdom demands an elaborate organisation of the lower ranks of the administration. To begin from the bottom, Bhīṣma lays down that a headman should be selected

¹ Ibid., LXXXII, 59, 67.

² Ibid., CVII, 10–12.

³ Ibid., CVI, 12.

⁴ Ibid., LXX., III, 2–50.

⁵ Ibid., CXX. 48.

⁶ Ibid., CXIX, 3–9.

⁷ Ibid., CXIX, 11–12.

for each village. He must ascertain the characteristics of all persons in the village and all their faults which need correction. He is to control all the produce and possessions of the village. Every ten villages should be placed under a superintendent to whom the village headman should communicate all information and towards whose maintenance he should contribute. Over these superintendents is to be placed the lord of a hundred villages, who should have a large village for his sustenance. Next comes the lord of a thousand villages who has a minor town as the source of his salary. He is to enjoy the grain, gold and other commodities derivable from it. Over the whole organisation of villages was placed a minister who was to supervise them and to regulate their mutual relations. Every officer in the hierarchy is to keep his superior informed of all happenings in the area of his jurisdiction so that the government was expected to know everything about everybody. Every town should have an officer with subordinates. He too was expected to be omniscient about his charge.¹ It is probable that the local organisation which the Mahābhārata prescribes followed the existing practice. The village headman or grāmaṇi is mentioned frequently in Vedic literature, where he seems to combine civil and military functions.² The Maitrāyaṇi Samhitā also mentions the Śatapati or lord of a hundred villages who seems to have combined general, fiscal, judicial and political authority.³

¹ Ibid., CXXXVII, 3—11.

² Rigveda, X, 62, 11; 107, 5. Atharvaveda 111, 5, 7. Macdonell and Keith, Vedic Index, I, 247, 11, 334.

³. Maitrāyaṇi Samhitā, IV, 14, 12. Macdonell and Keith, Vedic Index, II, 351.



The Mahâbhârata again seems to reflect existing political facts when it stresses the importance of espionage. The

Espionage. spies are the king's eyes through which he

is to perceive the acts and intentions of foes, friends and neutrals. The employment and direction of spies is one of the prime duties of the king. They are to be set in cities, provinces and feudatory domains. No one is to escape their glance, not even the king's sons, friends and counsellors. There is no place which is to be free from their ubiquitous presence. They must frequent parks and pleasure-gardens, courts, houses and shops, meetings of scholars and crowds of common people. One of the functions which the spies performed was that which falls to the lot of journalists at present. They had to submit to the sovereign daily reports on public feeling on the doings of the government in the cities and provinces. Thus, aided by his ministers, the king was to examine the hearts and acts of all men including the very ascetics in the forests. The supervision of spies was one of the means on which, says the Mahâbhârata, everything depended.¹

To defray the expenses of administration, the Mahâbhârata provides the king with ample revenue and lays down some principles of taxation. In Hindu Theory,

Taxation.

the justification of taxation is that it is the price which the subjects pay for the protection they receive. This is one of the assurances which the people had given to the first king Manu. The king was entitled to a sixth of the yield of the soil, that is, of the gross produce. This was supplemented by customs, again on the theory that merchants must pay for the protection which the state extended to them. In determining their contributions, regard should be had of the amount of their sales, purchases, profits

¹ Mahâbhârata, Śânti-parva, LXIX, 8—12. 52, LXXXIX, 14—16; XCI, 50; LXXXVI, 20, 21.

and standard of living. Fines and forfeitures levied upon offenders were another source of income. But it is laid down that the real object of these punishments is not to fill the treasury but to strike alarm. In a curious passage, Arjuna remarks that Brâhmanas should be punished by word of mouth, Kṣatriyas with restriction to bare sustenance and Vaiśyas with fines and forfeiture of property. Artisans should be taxed on an evaluation of their manufactures, their expenses and receipts and their general prosperity. Thus, both the producer and the king would share in the profits. It will appear that Brâhmanas who practised neither agriculture nor handicrafts nor trade were to be exempt from taxation. All the wealth in the world, says the Mahâbhârata, belongs to the Kṣatriya, but he should not touch the wealth dedicated to deities nor that belonging to performers of sacrifices. But if the Brâhmanas forsake their true vocation they are to be taxed like the followers of the callings which they adopt. On the whole subject of taxes the Mahâbhârata lays down the rule that only those taxes which have been sanctioned by the scriptures should be levied. Otherwise, the king wrongs his own self and, as it were, cuts off the udders of a cow. Another rule is that taxation should correspond to the prosperity of the people. The land-tax should never be so heavy as to induce the agriculturists to emigrate. The burdens on the subjects are to be increased like burdens on a young bullock. Taxes may be high but never so high as to emasculate the people. If the kingdom is drained over much, the subjects will be incapable of accomplishing anything great. The king should tax the people like a bee gathering honey from flowers or like the leech mildly drawing blood. Let him bear in mind the analogy of the calf. A calf, deprived of the due supply of milk can never be very



useful. There is another principle always to be adhered to. Taxation should be so regulated as not to bring unpopularity to the government. When realising his dues, the king should see that the subjects do not feel the pressure of want. Never is the treasury to be filled by unrighteous or covetous means. A king, notorious for a voracious appetite, is hated by his subjects. A tyrant flourishes only for a moment. He quickly meets with destruction like a flash of lightning which blazes only for a second. To fill the treasury by oppression is to invite ruin. All taxes, therefore, should be imposed gradually, in due season, in a conciliatory manner and according to due forms. The king should always protect and conciliate the Vaiśyas, behave towards them with leniency, inspire in them a sense of security and levy mild imposts on them. If the fiscal policy of the government encounters concerted resistance, the game of "divide and rule" is to be played with dexterity. It is impossible, we are told, to behave equally towards all men. The government should conciliate those that are foremost and then reduce the common people to obedience. Seeds of disunion should be sown among the people and then the king himself should come forward to conciliate them. Then let him enjoy in happiness what he succeeds in drawing from them. The treasury in which kings and their armies have their roots, must be constantly swelled. "Let thy barns, O king, be filled with corn." The treasury is filled neither by mildness nor by heartless cruelty but by pursuing a middle course.¹

¹ Ibid LXIX, 25; LXXI, 14-16, 20-23, 10-11, 13. LXXXVII, 14-15, 18-21, 23, 35-40. LXXXVIII, 2-9, 10-12; LXXXIX, 24; XV, 4. CXIX, 17; CXX, 43-44; CXXX, 9, 35; CXXXIII, 3; CXXXIV, 3-4; CXXXVI, 1-2; LXXXVI, 3-11.



In times of emergency, the ordinary fiscal rules must be suspended. If the people are in distress, the king must come to their aid with his money. On the other hand, if the government is faced with a crisis, as on the outbreak of a war, it is justified in adopting financial measures which would be regarded improper or sinful in ordinary times. Adversity has a morality of its own. Then the king may force his unwilling subjects to disgorge their wealth, though he should take care not to drive them to exasperation and revolt. In times of danger or war, it is a wise course for the king to take his subjects into his confidence. He should explain the whole situation to them and then impose extra taxes. If war exhausted the treasury, the king might take the wealth of all, but even in the acutest of crises Brâhmanas are exempt from taxation. "Let not thy heart be moved," says the Mahâbhârata, "even when thou art in great distress, upon seeing Brâhmanas possessed of wealth." On no account are the Rîtwijas, Purohiats, Preceptors and Brâhmanas in general to be oppressed.¹

Such are the arrangements prescribed by the Mahâbhârata for the internal government of a state. The principles which underlie them are conceived, on the whole, in a high moral spirit. But in the treatment of relations of states with one another, morality is thrown to the winds. Except during a few recurring interludes, the country was parcelled out into a large number of states. As a rule, they had no scientific frontiers, neither the sea nor lakes, neither mountains, deserts nor unfordable rivers. Every state was tempted to encroach on the bounds of its neighbours. The

¹ Ibid., CXXX, 37-38, 47-48,

CXXXII, 5, 9; CXXXIII, 3; LXXXI, 23.



conquest of the earth is held forth as the noblest of ideals and is celebrated in stirring verse in the Mahâbhârata. In the course of one of the most remarkable episodes in the epic, Jarâsandha openly declares that it was a Kṣatriya's duty to bring others under his sway by the exhibition of his prowess and to treat them as slaves. In the Vanaparva it is stated that whatever sin a king commits in acquiring dominion, is expiated afterwards by means of sacrifices and gifts. Incessant warfare and diplomatic negotiations were the result. The perpetual recurrence of crises shook and destroyed the influence of ethical principles on foreign policy. As in Italy in the sixteenth or seventeenth century, reason of state was erected into the most sacred of principles. Every state was sovereign and claimed to be a law unto itself. When face to face with dire adversity, the government could do anything. The justification of it all is that abnormal times have an ethics of their own, Āpaddharma, as it is called. It must be clearly understood that in days of distress, all the ordinary rules of morality and custom are suspended. Once in a period of anarchy and misery, the great sage Viśwâmitra, driven to the verge of starvation, insisted on stealing a haunch of dog's meat from the lowest of Chândâlas. The latter debated and entreated in vain. The holy sage consumed the meat, expiated the whole sin by penances later on, and attained wonderful spiritual successes. Thus self-preservation is the highest law and justifies all means.

The enunciation of these doctrines completely upset Yudhiṣṭhira. To him all the ties of morality seemed to be loosened. If the horrible and the contemptible was to be prescribed as a duty, was there anything left from which men should desist? Why, then, should not robbers be respected? Bhiṣma replied that his

discourse was not derived from the Vedas alone. It was based on experience and practice. Kings should gather wisdom from various sources. It is a weak-minded king who does not learn from the examples of others and does not display wisdom. A one-sided morality is not enough for success in this world, says the Mahābhārata. There are circumstances under which righteousness and unrighteousness are confused. Every one should comprehend such circumstances before the occasion comes. A clear understanding of facts is essential. There is no use in knowledge which is mixed with doubts. "Drive off such knowledge after tearing it up by the roots." Besides, one cannot always stick to the letter of the scriptures. Here is enunciated a doctrine remarkable for its boldness. In days of old, Uśanas had told the Daityas that scriptures are no scriptures if they can't stand the test of reason. This is a truth which should remove all doubts. Yudhiṣṭhira must perceive that he was created for the accomplishment of fierce deeds.¹ It is possible to imagine circumstances when in the general deterioration of the Yuga or the age, men and righteousness decay and when the world is afflicted by robbers. Under these conditions, extraordinary maxims have to be applied to the conduct of affairs—maxims which had brought blazing prosperity to King Śatruñjaya to whom they were addressed by an ancient sage.²

The king should maintain an equable temper. A mild king is disregarded; a fierce one is dreaded. Hence don't be merely mild nor merely fierce. Be both mild and fierce. With close attention the king should ascertain his foes and friends. It is to be remembered that the very existence

¹ CXLI, CXLII, 1—24; Sabhā-parva, XXXII; Vana-parva, XXV, XXXII, XXXIII. In the Mahābhārata, the Āpaddharmānuśāsana-parva begins with Sec. CXXXI of the Śānti-parva.

² CXLI, 70-71.



Of restless persons is fraught with danger. But it is not wise to attack too many foes at once. Conciliation, gifts, and the arts of diplomacy, or producing disunion, should be employed to grind them down one by one. Towards the rest a friendly policy may be pursued. Throughout the Mahâbhârata, valour is extolled as the prime attribute of a Kṣatriya, but here it is laid down that the king should save his skin by surrender to stronger foes. A different doctrine is, indeed, enunciated in passing; a king should make peace with a righteous enemy but, even when distressed, should fight an unrighteous one to the death. But the whole tendency of the passages in this connection is towards a time-serving policy—surrender before might. When, however, the victor is heedless, one should compass his destruction. On his side the king should remember that vanquished foes are always wide awake and are never to be trusted. One should do nothing to rouse the suspicions of powerful foes. Secret diplomacy, rather than conciliation, should be resorted to when dealing with powerful enemies. Apply diverse kinds of deception, different contrivances for setting them against one another. Hypocrisy of all sorts is allowed. Corrupt their forces; produce disunion in their ranks by subterranean means. Make lavish use of gold and poison. Never inflict wounds by wordy darts and shafts; never cause an injury which would rankle in the heart of the foe. Exhaust his treasury. "Do not applaud exertion in the presence of the foe, but speak highly of destiny." When trying to recover a lost dominion, a person should first ingratiate himself with the conqueror and then sow dissensions in his ranks. A king should win over the allies and partisans of his foe. When faced with a calamity, a king should be humble in speech but, at heart, should be sharp as a razor. Conciliate the foe with sweet assurances as if he were a friend but distrust

him as a snake. Give assurances about the past and make promises for the future. Join your hands in supplication, take oaths, use sweet words, shed tears and offer worship by bending down your head. Bear your enemy on your shoulder so long as the time is not favourable to you. But when an opportunity offers itself, smash him into fragments like an earthen jar on a stone. Make peace when necessary, but never trust the enemy. Desert him with all haste as soon as the purpose is served. Visit your enemies frequently and inquire about their welfare but always conceal your holes like the tortoise which conceals its limbs. Put forth the prowess of a lion. Lie in wait for your enemies like a wolf, then jump on them and pierce them as with a shaft. Be blind or deaf as the necessity demands. Inspire false hopes and project or pretend obstacles before suitors. Be religious and taciturn, assume the garb of ascetics, and wear matted locks and skins to inspire confidence in your foe and then jump upon him like the wolf. There are some insects which use their sharp stings to cut off the flowers and fruits of the trees on which they sit. So, a king should use honours, salutations and gifts to lull the suspicions of an enemy and then turn against him to reduce him to nothingness. Fear him who ought to be feared and fear him from whom there is nothing to fear. Never trust even those who deserve to be trusted. Never scruple to slay your son or father, your brother or friend, if they thwart your objects. Chastise and restrain an arrogant, unwise or unrighteous preceptor. Don't be afraid too much of risks. No one attains to prosperity without incurring dangers. No intelligent man should sacrifice present happiness in pursuit of the future. When in distress one should save oneself by any means, mild, or stern. After rising to prosperity, one should, when competent, practise righteousness. It is really impossible to attain high prosperity without piercing



the vitals of others, without doing many dire deeds, without slaughtering living creatures after the manner of the fishermen. Never be moved by the piteous lamentations of the foe; never allow him to escape. Destroy every one who has done you an injury. Say agreeable things when taking possession of the wealth of others. Strike off a head with your sword and then grieve and shed tears. Three things continuously grow and multiply—the unpaid balance of a debt, the unquenched remnant of a fire, and the unslain remnant of foes. These should be completely extinguished and exterminated. Such a tiny thing as a thorn, if extracted incompletely, leads to gangrene. Every deed must be done thoroughly. One should always be watchful. Win over a hero by folded hands, a coward by terrorism, a covetous man with gifts and wage war with an equal. Be far-sighted like a vulture, motionless like a crane, vigilant like a dog, valiant like a lion, fearful like a crow; and penetrate the territories of a foe like a snake with ease and without anxiety. A hostile kingdom should be devastated by slaughtering the population, destroying the roads and burning and pulling down the houses. Far-reaching are the arms of an intelligent man with which he retaliates when attacked. But in this high game of diplomacy it is essential not to over-reach oneself. Never snatch from the foe what he may be able to recover. Never seek to cross what cannot be crossed. Never dig at all if you can't get to the bottom. Again, sternness is not always politic. It is felt as an affliction. Mildness, on the other hand, begets contempt. Be mild or stern according to the occasion. Sometimes mildness can cut the mild and fierce alike and can achieve everything. It may be sharper than severity. A king desirous of prosperity should draw others unto himself by sweet words, honours and gifts. He should never engage in fruitless disputes and should refrain from malicious

behaviour towards his own subjects. A king should always honour the enemy of his enemies. Needless to say, in all these matters of high politics, espionage had an all-important role to play. Spies are set on every one. They are to be drawn from all classes of people. In their ranks, ascetics and atheists rubbed shoulders together. In another section of the Mahābhārata, Arjuna remarks that without slaughtering men, no one can achieve fame, wealth or dominion. Every one humbled himself before the prowess of gods like Rudra, Skanda, Śakra, Agni, Varuṇa, Kāla who were slaughterers. They were worshipped by all. But no one cared to bend before gentle gods like Brahman, Dhātri, or Puṣan. Such is the law of nature. Animals live upon animals, the stronger upon the weak. Mice are devoured by the mongoose; the mongoose by the cat; the cat by the dog; the dog by the spotted leopard, and all in their turn by the great Destroyer. The universe, mobile and immobile alike, is food for living creatures. That is what the gods have ordained. No man of knowledge is stupefied at it. There is no higher duty than the support of one's life. In the Vana-parva, Draupadī preaches the cult of energy and decision. Bhīma-sena counsels Yudhiṣṭhira to disregard promises, though the latter defends the sanctity of the plighted words. In the Ādi-parva Kaṇika counsels Machiavellianism to Dhṛitarāṣṭra as a policy to be followed whenever it might reasonably be expected to achieve the object in view. "The slaughter of a foe who does you evil is always praiseworthy." One may dexterously commit the direst deeds. Whenever convenient, one should invent pretexts, reasons for those pretexts and then reasons for those reasons.¹ The whole chapter on

¹ Ibid., CIII, 16, 19, 25—27, 28—30, 31—33, 34—38, 39—42; CV, 6—9, 21—25; CXXXI, 10—12, 4—7; CXXXVIII, 12—18; CXL, 7—70. For Arjuna's remarks, see Ibid., XV, 16—23, 25, 37—38; X, 6—8. Vana-parva, XXIX—XXXIV. For Kaṇika's discourse, Ādi-parva, CXLII.



Āpaddharma reminds one of Machiavelli. There are sentences written with the "point of a stilette" which may pass for "the Prince." Here the poet of the Mahābhārata, like the quotations from Italian realist, "strips away the following garments of convention and commonplace; closes his will against sympathy and feeling; ignores pity as an irrelevance, just as the operating surgeon does." The section, as a whole, may be styled, as Diderot proposed to head certain chapters of Machiavelli, as "the circumstances under which it is right for a prince to be a scoundrel." In both, the purpose is the same, "the secular state, supreme, self-interest and self-regard, avowed as the single principle of state action; material force, the master-key to civil policy. Clear intelligence backed by unsparing will, unflinching energy, remorseless vigour, the brain to plan and the hand to strike—here is the salvation of states."¹

The ever-present possibility of war leads the Mahābhārata to make suggestions on military subjects and lay down laws of actual warfare which occasionally conflict with the relentless realism of Āpaddharma. The real stability of a kingdom consists not only in extent of dominion and amount of treasure but also in the loyalty of subjects and contentment of officers and servants. So far as possible, a king should try to gain his points without battles. Victories won by battle are not highly spoken of by the wise. Only after his own kingdom is consolidated should a king proceed to war. The government must be very careful in the selection of envoys. These should possess the qualifications of birth, eloquence, cleverness, sweet speech, a good memory and faithfulness in giving messages. It is a heinous sin to kill an ambassador. The Mahābhārata does perceive the desirability of avoiding war

¹ Morley, Romanes Lecture on Machiavelli, pp. 20-21, 33, 26-27.

but in view of its probability it suggests measures of defence. Fortification is an integral part of sovereignty. The capital should be defended by citadels and stocked with everything. There are six varieties of citadels—those in forests or on hills, those on ordinary soil, those built of mud, water-citadels and human citadels. People should be encouraged to seek shelter in forts. In pursuit of strategic designs, whole villages might be transplanted to minor towns or to the skirts of great cities. Secrecy should be observed in the location of depots, arsenals, camps, quarters of soldiers and trenches as in that of streets, by-paths, houses, and gardens of retirement and pleasure. On entering foreign territory, a king should say to the people, "I am your king: I shall always protect you. Give me the just tribute or encounter me in battle." If he is accepted, well and good. Otherwise the people ought to be coerced. The crops on the hostile territory should be destroyed. Of course, dissensions should be produced in the enemy's camp.

Whatever the code of war or diplomacy, the ethics of the battlefield are high enough. Here a Kṣatriya may oppose deceit by deceit but should always be fair in response to fairness. He should not proceed on horseback against a car-warrior and should not wear armour when pitted against one unclad in mail. He should not strike one who has been disabled, who has fallen into distress, whose bow-string has been cut or who has lost his vehicles. A wounded opponent should be sent home or properly treated by skilful surgeons. If a wounded righteous warrior is taken captive, he should be cured and then set at liberty. "This is the eternal duty." A warrior whose armour has fallen off, who begs for quarter saying, "I am thine," who joins his hands in supplication or who has laid his weapon aside, may be seized but should not be slain. Nor should one kill those who are asleep, thirsty,

The Ethics of
the Battlefield.



fatigued, or at meals, nor those who are seeing emancipation, who are mad or who are staying trustfully. The lives of camp-followers, menial servants and other people of the sort are sacrosanct. A maiden captured in war should be kept for a year and asked to marry the victor. If she does not consent, she ought to be sent back. So, too, with slaves. Never confiscate the wealth of thieves nor of those who are awaiting execution. The kine captured from the enemy should be distributed among Brâhmaṇas and bulls should be set to agriculture or they should be returned. A few maxims are laid down to preserve the sanctity of royalty. Kings should fight only kings. Those who are not kings should not strike kings. A king if taken prisoner, should be detained in the victor's palace for a year and persuaded to submit. There is one verse in the Mahâbhârata which inculcates humanity to a degree hardly compatible with the efficient conduct of war. Not only should fairness be always observed but the enemy should not be wounded mortally. The wealth of ascetics and Brâhmaṇas, even in a conquered land, cannot be given away. For instance, king Nâbhâga bestowed whole conquered kingdoms on Brâhmaṇas but he made an exception of the possessions of Brâhmaṇas therein. King Divodas brought away the remnants of the sacrificial fires, the clarified butter and the food of his subjugated foes. He was deprived of the merit of his conquests. On the other hand, King Pratarddan contented himself with the wealth—including grain and medicinal herbs—of his enemies but left their lands untouched. All battles must be fought fairly. So Manu had said long ago. The righteous should always act righteously towards the righteous. Universal sovereignty is to be scorned if the way to it lies through unrighteousness. A victory stained by unrighteousness is uncertain in its results and never leads to heaven. It weakens both the king and the earth.



The justification of slaughter on the battlefield is that it brings protection to the good and the righteous. Valour is rewarded in heaven. A Kṣatriya enjoys as many eternal and blissful regions as the number of shafts with which he pierces the bodies of his enemies. In a long-drawn-out analogy, the Mahābhārata likens the various operations on the battlefield with those of sacrifices. In this life, too, meritorious service in war should be rewarded by double pay, excellent food, drink, and a seat equal to that of the king, and promotion in the military rank. The Mahābhārata proceeds to lay down physical, mental and moral qualifications for soldiers, dilates on the time, season and order of manoeuvres, and discusses the characteristics, dispositions and chances of success of armies.¹

In one of its numberless discourses, the Mahābhārata gives a few ideas on the standard of good government.

Standard of
good govern-
ment.

the Sabhā-parva, the wandering sage Nārada alights on the court of the Pāndavas and, in a string of interrogations, indicates how the realm should be governed.

The king must diligently attend to his duties. The princes and nobles must be instructed by teachers versed in learning and ethics. The ministers must be pure in birth and blood, versed in the Śāstras, upright in behaviour, endowed with

¹ Mahābhārata: Śāntiparva, XCIV, 1-2; XCV, 2-5; LXIX, 34-40, 55; LXXXV, 26-28; LXXXVI, 5, 6-15; XCV 7-12, 13-14; XCVI, 1-2; C, 27-29; XCVI, 3-7, 11, 23, 16, 17, 22; XCVII, 8, 11-12; XCVIII, 15-25, 35-48; XCIX, 1-17; C, 6-24, 30; CI, 324-5; CI, CII. Elsewhere, too, the Mahābhārata inculcates fairness on the battlefield. In the Bhīṣma-parva we are told that only persons equally circumstanced should engage in fight,—charioteers against charioteers, horsemen against horsemen and so on. Those engaged in the contest of words should be fought only with words—I, 24-27. The same section of the Bhīṣma-parva inculcates general fairness and humanity on the battlefield.



judgment, advanced in years. They must all be obedient to the king. All royal servants must be trustworthy, incorruptible, and possessed of practical experience. Respectable, indifferent and low servants should be employed on corresponding jobs. The revenue must be spent on proper objects. Every forenoon the king should ascertain his income and expenditure from his officers. The expenditure should be covered by a fourth, third or a half of the income. The troops must regularly receive their pay and rations. The misery due to arrears of pay and irregularity in the distribution of rations leads to mutiny, which the learned have pronounced to be one of the greatest of 'mischiefs.' Officers of extraordinary ability should be rewarded by an increase in pay and rations. So, too, meritorious servants of all kinds. No one should combine too many army offices in his hands. The king should be impartial and accessible to all. Strict order must be enforced in the realm. Thieves and robbers must be pursued over the even and uneven parts of the country. Justice must be strictly impartial. Women should be consoled and protected. Brâhmanas and wise men should be worshipped. A single learned man should be bought in exchange for a thousand ignorant men. The king should never undertake anything without reflection. He should consult many people but never those who are unacquainted with the science of profit. Agricultural prosperity, in all its aspects, should be promoted. Safeguards should be provided against all sorts of dangers. Magnificent courts should be held. Charity must be practised on a lavish scale. The kingdom is to be governed on the principles of paternalism. But a ruthless policy is to be followed in dealing with foreign states. The officers of the enemy should be bribed with jewels. The enemy should be slain regardless of the seasons of harvesting or a state of famine.¹

¹ Sabhâ-parva, V.



The political thought of the Mahābhārata is couched in terms of monarchy, the predominant form of Indian governance. But for once the discourse of Bhīṣma is directed to republics perhaps of the type which flourished for a while, chiefly in the sub-Himalayan region. These passages, if interpreted in terms of monarchy, make little sense. With a republican background, they are seen to emphasise the supreme need of union. If disunited, the Gaṇas, as the republics are called, fall an easy prey to enemies. If internal union is maintained, the republicans attain to happiness. Then outsiders seek their alliance. They should always act in concert. It behoves their wise people to nip in the bud any dispute that may be brewing. If the seniors of the race look with indifference on rising dissensions, members fall into violent quarrels among themselves. It is essential to guard against dangers from within. They may uproot the state in a single day. Republics are destroyed not by the courage, intelligence and gold of the enemy, nor by the fascination of female charms but by internal dissensions. Harmony is the very law of their being. Compared to internal risks, any external dangers are of little consequence. In every republic, people should be taught to practise their duties, to bow before learned persons. The republics should keep their treasuries full, should regulate their policy well, employ numbers of spies and should display courage, perseverance and steady prowess on the battlefield.¹

It is remarkable that Bhīṣma puts his finger on internal dissensions as the besetting malady of republics. It reminds one of the "*stasis*" which Aristotle deplored in

¹ Śānti-parva, CVII, 16-17, 26-31. Dr. Fleet interprets the term Gaṇa to mean tribe (*Journal of the Royal Asiatic Society*, 1915, pp. 13-19) but Dr. Thomas holds that the Gaṇa implied absence of royalty (*J.R.A.S.*, 1914, 10-11, 10-12).



Hellenic states. Yudhiṣṭhira's interrogations point to another great difficulty in the way of republics. It was difficult to keep secrets among the many. The remedy lay in trusting the executive.

The Rāmāyana.

The Rāmāyana of Vālmiki ranks with the Mahābhārata as one of the two great epics of India. The story of Rāma, surcharged with pathos and tender affection, and culminating in his struggle with Rāvaṇa, the king of demons in Laṅkā or Ceylon, has enjoyed even greater vogue than the tragedy of the great Civil War. But the Rāmāyana contains singularly few ideas on government. It is valuable for Hindu social and ethical theory but to the student of politics it yields little. In his first book, the poet draws a character sketch of Daśaratha, king of Ayodhyā, and paints the condition of his realm, obviously as ideals to be admired

and followed. The king was well-versed in sacred lore. He had subdued his passions as his foes. He was always intent on the welfare of his subjects. There was no poverty or misery in his realm. Every man had ample possession of grain and gold, kine and steeds. For a day's labour the smallest pay was a piece of gold. Every one wore bracelets on his arms. In short, every one was rich, happy and jovial. In the city of Ayodhyā, ramparts, moats, gates, squares, palaces and houses, all were laid out according to plan. Material prosperity went hand in hand with moral perfection. There was no unkindness, no bragging, no slander, no faithlessness and no conjugal infidelity. Every one was noble and high-souled. The Kṣatriyas honoured Brāhmaṇas: both were honoured and obeyed by Vaiśyas while Śūdras obeyed



them all. Members of every caste were content with their lot and passed their days in blissful quiet. Saints and sages were worshipped by all, even by the mightiest of kings.¹ The king had two priests and eight ministers. They combined noble birth and learning with discipline and modesty. Efficient in administration, they were fair and just to all and won the love and confidence of the people. On all castes, on high and low alike, they looked with an equal eye. Among themselves they always worked harmoniously. Without resorting to oppression, they swelled the treasury of their master. They realised the importance of knowing what men were doing or were about to do. For this purpose they employed numerous spies who furnished timely reports. In the Rāmāyana even gods employ spies.² The king tries to carry public opinion with him. He summons people from far and near, from town and country, and presents his son Rāma to them as their future sovereign. But, curiously enough, when Rāma is exiled at the behest of queen Kaikeyi, public opinion goes unheeded. By the way, it falls to the priests to conduct the installation ceremony.³ In foreign policy, caution is the governing motive. The chances of war are delusive. One should not strike a blow at an equal and should never attack an enemy more powerful than oneself. The lives of envoys are always sacrosanct.⁴

In a passage of marvellous poetic beauty, Vālmiki paints the horrors of anarchy and brings out the imperative

¹ The Rāmāyana, Book I, Cantos, V—VIII, Canto L. See also Canto I for Nārada's description of Rāma to Valmiki.

² Ibid., Book I, Canto VII, Book V, Canto L.

³ Ibid., Book II, Cantos I—III, XXXIII. For an assemblage Canto LXXXII.

⁴ Ibid., Book I, Canto VII; Book V, Cantos LII—LIII.



necessity of government. The very gods frown over
kingless territories. There is no rain and

The Importance of Government.

no agriculture. Trade disappears. None
can feel secure about his property or even

his life. The very idea of law goes to the
winds. Men prey on each other, like fishes, from hour to
hour. Family life and morality suffer to an extent which is
simply horrible. For instance, father and son fight each
other, and husbands fail to control their wives. Religious
practices decay in a woeful manner. Brâhmaṇas do not
keep their vows. No one performs sacrifices with text and
prayer. Sages are not sure of anything. In short, a
kingless realm is perfectly wretched. It can see no happi-
ness, no festivity, no joviality. From such misery, the
monarch rescues the people. He is the universal benefactor,
father, mother and friend, the hope and mainstay of all; he
is the right, he is the truth.¹

¹ Ibid., Book II, Canto LXVII.



CHAPTER IV.

• MANU.

After the Mahâbhârata, the law books constitute one of the most important sources of Hindu governmental theory.

The Law Books. They profess to cover the whole field of

life and lay down extremely minute regulations on everything. They deal with administration when they describe the duties of the Kṣatriyas. They indicate a full theory of government when they discuss the duties of all the castes and stages and when they inquire, though in a perfunctory manner, into the origin of things. The most influential of Hindu law-books is the famous "Code" of Manu which still influences the life and thought of millions. Its exact date cannot be ascertained. There are ideas, verses and, perhaps, chapters in it which belong to a remote antiquity. Manu appears many times in the Mahâbhârata. According to Ancient Hindu tradition, Manu was the first king of mortals. Fragments bearing his name must have been composed long ago. When the work assumed its present compact form cannot be accurately determined. Max Müller held that it was posterior to the fourth century A.D. But its closest student, editor and translator, George Bühler, holds that the work, as we know it, existed in the second century A.D.¹ This is the safest date to assume for all purposes of discussion.

¹ The Laws of Manu, translated with extracts from seven commentaries by George Bühler, in the Sacred Books of the East Series, Oxford, 1886. See his Introduction for the discussion of the date. J. Jolly thinks that Manu-smṛiti cannot be later than the second or third century A.D. See also the late A. C. Burnell's Introduction to his translation entitled 'The Ordinances of Manu.' The Mânavaśāstras represent one of the six subdivisions of the Maitrâyaṇī School of the Black Yajurveda. It is believed by some that Manu-smṛiti is a popular work intended for Rājās and similar persons and not for learned Brāhmaṇas. But the influence of the work has been profound over all classes. The ideas and sometimes the phraseology of Manu occur in most of the extant law-books. See also Ch. VI.



The fundamental social and political conditions of India do not seem to have changed between the second century

B.C. and the second century A.D. The social ideas of Manu accord closely with those of the Mahâbhârata. The two are

The Social Order in Manu. probably derived partly from the same sources—sources which are now lost to us. They have a number of verses in common. Both reflect the same intellectual temper. Only the atmosphere of the epic is freer than that of the Code. The latter claims to be a Dharmaśâstra and must always hold fast to religious moorings. Like the Mahâbhârata, Manu repeats the ancient Vedic hymn that the Brâhmaṇas, Kṣatriyas, Vaiśyas and Śûdras sprang respectively from the mouth, arms, thighs and feet of the Creator.¹ It follows that the Brâhmaṇas are the greatest among men.² A Brâhmaṇa is born for the fulfilment of the sacred law. He becomes one with Brahman. He is an eternal incarnation of the law.³ The excellence of his origin entitles him to everything in the world. Whatever exists in the world is his property. He eats but his own food, wears but his own apparel, and bestows but his own in alms. It is through his benevolence that other mortals subsist. The Brâhmaṇa's wrath can destroy the king, together with his army and vehicles. The Brâhmaṇa is the support of the three worlds and of the gods. Kṣatriyas had their origin from Brâhmaṇas. Whether ignorant or learned, whether following noble or mean occupations, a Brâhmaṇa is a great divinity.⁴ Learning is the predominant occupation of a Brâhmaṇa but Manu allows him to follow agriculture, gleanings of corn, etc.⁵ Here the "Code" obviously makes a compromise between theory and practice.

¹ Manu, I, 21.

² Manu, I, 96.

³ Ibid., I, 98.

⁴ Ibid., I, 100-101; IX, 313-321.

⁵ Ibid., IV, 4.

Like the Brâhmaṇas, Kṣatriyas should offer sacrifices, study the Vedas and abstain from a life of sensuality. It was their function to bestow gifts and, above all, to protect the people. Like the Mahâbhârata Manu also insists on the harmony of Brâhmaṇas and Kṣatriyas for the welfare of the world.¹ For the Śûdras the lord has prescribed only one occupation, that of serving the other castes meekly.² They are barred from all sacred learning. He who explains the sacred law to a Śûdra or dictates a penance to him sinks along with his pupil into hell. By themselves Śûdras can never form a stable society. A kingdom which is destitute of twice-born people, which contains very many Śûdras and which is infested by atheists is soon afflicted with disease and famine and utterly perishes. Brâhmaṇas should not reside in such a state.³ Many varieties of skilled labour are despised by Manu. He pointedly differs from those who regard agriculture as an excellent occupation. Brâhmaṇas and Kṣatriyas, even when following Vaiśya occupations, should desist from agriculture, because it means pain to the creatures living in the earth. Of agriculturists, shepherds, falconers, makers of bows and arrows, teachers in arms, trainers of elephants, oxen, horses or camels, bird-fanciers, etc., etc., he speaks in the same breath with sinners, adulterers, and lunatics. All are to be shunned by Brâhmaṇas at a repast. Nowhere in Manu are Śûdras held in high esteem. For example, we are told that a twice-born person who does not study the Vedas but who applies himself to wordly study, soon falls, along with his posterity, to the condition of a Śûdra. There is no real excellence to which the Śûdra can attain. While trade and usury are called Satyânṛita (a mixture of truth and falsehood), service, which is assigned to Śûdras is once referred to as Śvavṛitti or a

¹ Ibid., I, 89; IX, 322.

² Ibid., I, 91.

³ Ibid., VIII, 22; IV, 81, 61.



dog's mode of life. The seniority of Brāhmaṇas is reckoned according to knowledge, that of Kṣatriyas from valour, that of Vaiśyas according to wealth in grain and other goods, but the seniority of Śūdras can be determined only according to age. Elsewhere Manu declares that Śūdras are born slaves. On the other hand, twice-born people are not to be set to servile work even by Brāhmaṇas.¹ But, once again, theory compromises with facts. A man of faith may receive pure learning even from one of a lower caste, as he may receive the highest law from the lowest and an excellent wife from a base family.²

Later, it is expressly allowed that in the case of a second marriage, one may wed a woman of a lower caste. People of all caste must be set to their duty. In particular, Manu remarks that Vaiśyas and Śūdras must be compelled to perform their prescribed jobs, for if they swerved from their duties, the world would be thrown into confusion. Such is the social scheme which the government is asked to enforce.³

Manu, who keeps one eye on his ideals and the other on facts, has to extend the sources of law beyond the sacred texts. He admits that Śruti or the Vedas

The Law.

and Smṛiti or tradition (generally embodied in Institutes) constitute the prime authorities never to be questioned. But he goes on to mention two other sources of law—the customs of virtuous men and one's own inclination. Taken together, they all constitute the fourfold means of defining the sacred law.⁴ When two sacred texts conflict,

¹ Ibid., III, 154–167; II, 168; II, 155; VIII, 413–4, 412; IV, 4–6; V, 83–84.

² Ibid., II, 238.

³ Ibid., III, 13; VIII, 418. On the duties of castes see also Ch. IX.

⁴ Ibid., II, 10, 12.

both are held to be law. It is obvious, though Manu does not draw the inference, that the deciding factor is custom or reason. Later, in his chapter on Civil and Criminal Law, he is more explicit : "What may have been practised by the virtuous, by such twice-born men as are devoted to the law, that he shall establish as law, if it be not opposed to the (customs of) countries, families, and castes." Clearly, local and communal custom must always be respected and, for the rest, sound tradition should have its way. Manu also remarks that legal disputes of all sorts should be decided "according to principles drawn from local usages and from the Institutes of the sacred law." Almost in the same breath he advises the judges to depend on "the eternal law" but, in his view, it involves no inconsistency with the observance of local usage.¹

The enforcement of law as of the social order is part of the protection for which the kingship was instituted. There

The Kingship.

was at first no king. As a result, the people found themselves in trouble and fled in all directions. For their protection, the Lord created a king.² The kingship is thus divine in origin, though utilitarian in purpose. The king was composed out of the eternal particles of the gods, Indra, Varuṇa, Yama, the Wind, Fire, the Sun and the Moon. The king performs the functions of them all on earth and surpasses all created beings in lustre. According to the purpose, occasion and circumstances, he assumes various forms "for the complete attainment of justice." All should honour the king. It is exceedingly foolish and suicidal to hate him. None should disobey him.³

¹ Ibid., II, 14; VIII, 46, 3, 8.

² Ibid., VII, 3.

³ Ibid., VII, 4-12; V.



The king, on his part, must be humble and modest, versed in sacred and secular lore. "Day and night he must strenuously exert himself to conquer his senses; for he (alone) who has conquered his own senses, can keep his subjects in obedience." He must shun all the vices which spring from sensuality, greed and wrath. He must be unremitting in the performance of his duty. He must rise in the last watch of the night, perform religious ceremonies, worship the Brâhmanas and then commence the business of government by entering the hall of audience and gratifying all who have come to see him. Then he must proceed to consult his ministers. The daily programme which Manu prescribes for the king follows the lines of the Mahâbhârata.¹

The king must relentlessly enforce the scheme of human duties. Like the Mahâbhârata, Manu applauds Chastisement, as an incarnation of the Law, formed of Brâhmana's glory, protector of all. It is the real king and manager of affairs. It governs, guards and protects all creatures. It is the surety for obedience to the law on the part of the four orders. It prevents the castes from intermixture and corruption; it maintains wholesome barriers. If the king did not punish those worthy of punishment, the stronger would roast the weaker, like fish on a spit; the crow would eat the sacrificial cake and the dog would lick the sacrificial viands. The lower ones would usurp the higher places and the very idea of possession, that is, of property would vanish.² Behind this insistence on Chastisement lies the conviction that man is naturally a depraved being. "A guiltless man," says Manu, "is hard to find." Punishment

¹ Ibid., VII, 37—53, 145-46, 216—26.

² Ibid., VII, 14—21, 24.



alone can keep the world in order. Why, even the gods and demons perform their functions only when they are tormented by the fear of punishment. The object of punishment is, of course, the good of the people. Fundamentally, the policy of the government ought to be a paternal one. The king should "behave like a father towards all men." His very appearance, like that of the full moon, should be a signal for joy. As Indra, the god of rain, besprinkles the earth with water, so should the king shower favours upon the people. On Brāhmaṇas, in particular, lavish gifts should be bestowed. Śrotriyaś must be provided for according to the degree of their learning. If they suffer penury, the kingdom is afflicted by famine. The king under whose protection, Brāhmaṇas perform meritorious acts is rewarded with a long life, prosperity and increase of dominion. In fact, he receives one-sixth of their spiritual merit. A Kṣatriya should never take a Brāhmaṇa's property. A king who cannot protect his subjects from robbery is a dead and not a living king. It falls to the king to regulate the economic life of the community. Traders are open thieves, a species of robbers. They must be watched and controlled by the king. He must fix the prices of all marketable goods, mark the weights and measures and re-examine them every six months. The followers of various occupations, mechanics, manual workers, all come in for state supervision. It is the duty of the king above all to annihilate theft, adultery, defamation, violence and assault. Physicians or veterinary surgeons who wrong their patients must be fined. Oppression is bound to deprive the king of his life and possessions and ruin all his relations.¹

¹ Ibid., VII, 22-23, 80, 82-86; III, 134-136, 143; VIII, 309, 401-403, 386; IX, 256-257, 258-260, 304, 309; XI, 18, 22, 23.

"As the lives of living creatures are destroyed by tormenting their bodies, even so the lives of kings are destroyed by their oppressing their kingdoms." Ibid., 112.



A number of ministers are essential for the discharge of governmental functions. Not even an easy undertaking can

be accomplished single-handed, much less Ministers and other officials, the government of a realm which yields great revenues. There ought to be seven or eight ministers—men of birth, learning, heroic valour, trained warriors, all well-trying. Every day they should be consulted on peace, war, finance, endowments and general administration. The king should consult them first individually and then collectively and ultimately decide for himself. Besides the ministers, there was another august personage in whom the king had to repose unstinted confidence. The learned Brâhmaṇa, that is, the royal priest, must be fully consulted before the commencement of any enterprise. Consultations must always be held in secret, in a lonely place, in a solitary forest or at the back of a hill or a terrace, at midnight or midday. Women, old men, barbarians, the sick, the deformed, the dumb, the deaf, the blind, idiots and animals must be removed far from places of counsel. They all, and particularly women, betray secrets. A king whose plans are not betrayed enjoys the whole earth though he be poor in treasure.

Another official of first-rate importance was the ambassador, a sort of foreign secretary and plenipotentiary-general. He transacted that business by which kings "are disunited or not." He negotiated all alliances. He must not only be honest, skilful and well-born but also versed in all sciences, able to understand hints, gestures and expressions of the face. Beauty, courage and eloquence were his additional qualifications. Then, there were a large number of other officials concerned with mines, manufactures, storehouses, revenue, etc.¹

¹ Ibid., VII, 54—68, 80—81, 147—151. The importance of the ambassador is thus indicated: "The army depends on the officer, the due control (of the subjects) on the army, the treasury and the realm on the king, peace and its opposite on the ambassador." (Ibid., 65.)

THEORY OF GOVERNMENT IN ANCIENT INDIA

The unit of government was, naturally, the village. Every village must have a headman. The successively higher areas of local government were formed by groups of ten, twenty, a hundred and a thousand villages. From the village headman upwards, every official must keep his immediate superior fully informed of all happenings and all crimes committed within their jurisdiction. Every town must have a "superintendent of all affairs, elevated in rank, formidable, a planet among the stars." He must have an army of spies to assist him in "exploring" the behaviour of the people. The whole sphere of local government was placed in charge of a minister at the head-quarters. A company of soldiers must be stationed "in the midst of two, three, five or hundreds of villages for the protection of the kingdom." It will appear that Manu prescribes salaries in kind or land. The village headman was entitled to receive articles such as food, drink and fuel which the villagers ought to furnish daily to the king. The lord of ten villages was entitled to one kula of land, that is, as much as would suffice for the maintenance of one family; the ruler of twenty villages to five kulas; the superintendent of a hundred villages got a village in Jagir as the medieval Mughals would have called it. The lord of a thousand villages was entitled to the revenues of a town.¹

The strict supervision and control of all the officials was one of the prime duties of the king. Power succumbs only too often to temptation. Royal officers, appointed for the protection of the people, "generally become knaves" and seize the property of others. Against their designs, the subjects must be protected. Evil-minded officials who were guilty of bribery must suffer the confiscation of their whole property

¹ Ibid., VII, 113-122.



and must be banished. Ministers or judges who were at fault in the discharge of their duties should be fined a thousand paṇas.¹

Manu lays down the same principles of taxation as the Mahābhārata. He has a remarkable idea on the origin and validity of property. "Land belongs to
Taxation.

him who clears off the timber and a forest animal to him who owns the arrow." It reminds one of Locke who sees the beginning of property in the mixing of human labour with natural substance. But in Manu the idea is not followed up by establishing taxation on consent. The maxim is "No taxation without protection." A king who levies taxes but does not afford protection takes upon himself "all the foulness of his people" and sinks into hell. Duties and taxes must be fixed after full consideration in a manner so as to provide an adequate revenue to the state and an adequate return to the workers. "As the leech, the calf and the bee take their food little by little, even so must the king draw from his realm moderate annual taxes." The land-tax should be one-sixth, one-eighth, or one-fourth of the crops, that is, the gross produce. "A fiftieth of cattle and gold may be taken by the king," says Manu. Here he seems to refer to fresh acquisitions in these species of property. There ~~was~~ hardly anything which the state did not tap to increase its resources. Manu awards the king a sixth part of "trees, meat, honey, clarified butter, perfumes, (medical) herbs, substances used for flavouring food, flowers, roots and fruits; of leaves, pot-herbs, grass, (objects) made of cane, skins, of earthen vessels, all (articles) made of stone." The duties on traders should be fixed on a consideration of the rates of sale and purchase, the means of communication, the charges of securing goods and the necessary expenses of the dealers. Elsewhere Manu

¹ Ibid., 123-44; IX, 234.

prescribes one-twentieth of the value of each saleable commodity as calculated by experts. All who live by traffic must annually pay something, be it a trifle. There seems to have existed some state monopolies and restrictions on exports and, perhaps, also imports. Those who violated these rules were to suffer the confiscation of their whole property. An attempt to defraud the customs-house was to be punished with a fine eight times the amount due. There was another species of contribution to which the state was entitled from those who had nothing to give in cash or kind. Mechanics, artisans and Śūdras who lived by manual labour, should work for the king for a day in each month.¹ Treasure-trove is pointed out as another source of income. The king was entitled to one-sixth, one-tenth or at least one-twelfth of the property lost and afterwards found. Such property was to be deposited temporarily with special officers. If any one of them tampered with it, he was to be trampled under the feet of an elephant. If any one laid a false claim to it, he was to be fined one-eighth of his property or less if the value of the treasure trove was not enough to justify such a fine. Property of which the owner had disappeared must be deposited with the state. If unclaimed for three years, it was to lapse to the king. Any one who claimed it at all, must accurately describe its colour, shape, size, the number of its items, the time and place of its loss, etc. If he failed to do so, he should pay a fine equal in value to that of the article claimed. All this, however, does not apply to property stolen by thieves. That must be restored to its rightful owner of any caste whatever. If the king appropriates such goods, he incurs the guilt of a thief. If the king, that is, the state, discovered any old treasure hidden under ground, half of it must go to the royal

¹ Ibid., VIII, 307-8 ; VII, 127-138 ; VIII, 398-99, 400 ; IX, 44.



exchequer and the other half be distributed among Brâhmanas. Not only of ancient hoards but also of the metals underground, the king was entitled to one-half for two reasons. In the first place, he gave protection to all. In the second place, he was the lord of the soil. Here Manu seems to indicate that essentially the state was the owner of the land. Numerous petty dues were levied at ferries. Their classification is curious. "At a ferry, an (empty) cart shall be made to pay one pana, a man's (load) half a pana, an unloaded man one-half of a quarter." Carts laden with merchandise paid according to the value of the goods.¹ It will be observed that the state shares with Brâhmanas the distribution of treasure-trove. To Brâhmana scholars was given a yet greater privilege. Śrotriyas were not to be taxed under any circumstances. The king may be dying of want but he is to make no levy on them. On the other hand, they must always be provided with the necessities of life. Nor should those people be taxed who conferred benefits on Śrotriyas. These provisions implied a patronage of learning, education and scholarship. Helpless folk were also exempt from taxes. Those who had completed seventy years of age, who were blind, cripples or idiots should not be forced to pay a tax.²

In all Hindu political theory, justice forms an essential part of the protection which sums up the function of the state. "Justice, being violated, destroys ; Justice, being preserved, preserves ; therefore justice must not be violated, lest violated justice should destroy us." If a thief escapes punishment, the guilt falls on the king. Those who provide thieves with fire, food, or places for their weapons or who help them in concealing their crime should be executed as

¹ Ibid., VIII, 30—40; 40—45.

² Ibid., VII, 133—36; VIII, 394.



thieves. The murder of Brâhmaṇas, women or children must be punished capitally. Those who seduced ministers from their loyalty, made false proclamations or served the interests of the king's enemies deserved the same fate. Mutilation figures occasionally in the criminal code of Manu. A cut-purse, for instance, had two of his fingers cut off on his first offence. If he repeated the crime he should lose a hand and a foot, while for the third offence, he should be punished capitally. Robbers who cut the walls and committed thefts should be deprived of their hands and fastened on sharp stakes. All who obstructed popular well-being in any manner must be severely dealt with. For example, the destruction of the wall or gate of a town or the filling up of the ditch should be punished by instantaneous banishment. If any one destroyed a bridge or the flag, a pole or images of a temple or a royal palace, he must repay the damage and pay a fine of five hundred paṇas. Any one who stole the rope or water-pot from a well or damaged a hut where water was distributed must repay the loss and pay a fine of a mâṣâ. If the breaker of the dam of a tank does not repay the damage and pay the first amercement, he should be drowned into the tank or otherwise put to death. Those who defiled the sanitation of the king's high road must remove the filth and pay a fine.¹ Manu has his own ideas of social morality and wants them to be enforced by the state. For example, he stigmatises as adulterous such acts as offering presents to a woman, romping with her, touching her dress or ornaments or sitting with her on the same bed. Adultery was to be punished with a terrible physical mutilation and

¹ IX, 289, 285; 279, VIII, 15, 319; IX, 282, 271, 278, 232, 277, 276. To the rule on sanitation, there is a qualification. Old men, pregnant women and children and persons in urgent necessity were reprimanded and had to clean the place but were not fined.

Ibid., 283



banishment. Caste had a good deal to do with the law on morality. Manu objects to adultery partly because it means a mixture of the castes whence follows sin, "which cuts up even the roots and causes the destruction of everything." A maiden who makes advances to a high caste man is not to be fined but she who courts a low caste man is to be interned in her home. A low caste man who makes love to a maiden of the highest caste must suffer corporal punishment but if he addresses himself to a maiden of his own caste he is only to pay the nuptial fee at the desire of her father. A rape on a woman of equal caste brought a fine of two hundred paṇas while that on a woman of a different order was punished with a fine of six hundred paṇas and the amputation of two fingers. Caste invades the social law at another point. Where others suffered capital punishment, a Brāhmaṇa was subjected only to a tonsure of the head. "No greater crime is known on earth than slaying a Brāhmaṇa; a king, therefore, must not even conceive in his mind the thought of killing a Brāhmaṇa." At the worst, a Brāhmaṇa was only to be banished and even then he must be allowed to take up all his property with him. If a Brāhmaṇa approached an unguarded Kṣatriya or Vaiśya woman, he was fined five hundred paṇas, but in the case of a Śūdra woman a thousand paṇas. A Vaiśya who approached an unguarded Brāhmaṇa woman was fined five hundred paṇas; a Kṣatriya for the same offence a thousand paṇas. But if the woman in question was a guarded one, the Kṣatriya was humiliated and fined a thousand paṇas while the Vaiśya forfeited all his property and suffered imprisonment for a year. If the Śūdra was involved with an unguarded twice-born woman, he was castrated and deprived of all his property. If he violated a guarded twice-born woman, he was to lose his all and suffer death. Rather inconsistent with all these details, there is a general law in



Manu that every one, except a Brāhmaṇa, guilty of adultery, should be put to death.¹ This seems to have been the old law which had gradually been encrusted with further caste privileges.

Caste enters in an equally conspicuous manner into the law on defamation. For defaming a Brāhmaṇa, a Kṣatriya was to be fined a hundred paṇas, a Vaiśya from one hundred and fifty to two hundred

Defamation. while a Śūdra was to suffer corporal punishment. A Brāhmaṇa should be fined fifty, twenty-five and twelve paṇas for defaming a Kṣatriya, a Vaiśya and a Śūdra respectively. There was a uniform penalty of twelve paṇas for twice-born men for defaming a caste-fellow. If a Śūdra mentions the names and castes of the twice-born with contumely, "an iron rail, ten fingers long, shall be thrust red-hot into his mouth." If he insults a twice-born man with gross invective, his tongue shall be cut out, "for he is of low origin." If he was arrogant enough to teach Brāhmaṇas their duties, "the king shall cause hot oil to be poured into his mouth and into his ears." Even harsher and sometimes unspeakable are the punishments prescribed for graver insults which a Śūdra may chance to offer to superior beings.² It is more than doubtful if these brutal maxims were ever actually carried out. Perhaps, they only embody the ultra-orthodox theory of the superiority of the twice-born and the supremacy of the Brāhmaṇa.

Judicial Administration. The popular element. Judicial Administration. The popular element. Judicial administration and procedure occupy a prominent place in the code of Manu. A remarkable feature is the introduction of the popular element into one of the most important classes of disputes. The settlement of boundaries between villages and fields was a plentiful

¹ Ibid., VIII, 352—53, 364—65, 367—68, 374—85, 359.

² Ibid., VIII, 267—73; 281—84; see also 276—77. Manu, like other Hindu law-givers, lays down many spiritual penalties and penances for various serious and trivial offences. See Chapter XI of the Smṛiti.



source of litigation. If the inspection of various marks such as tanks, wells, cisterns, fountains and temples, failed to furnish decisive evidence, the case had to depend on the testimony of witnesses. These must be examined "in the presence of the crowd of the villagers and also of the two litigants. As they, being questioned, unanimously decide, even so he (the king) shall record the boundary." If no witnesses were available, the case should be left to the decision of people from four neighbouring villages.¹ Manu further allows that on certain occasions the law may be taken in one's own hand. A creditor, for example, may recover his debt by artful management or even by force. He "must not be blamed by the king" for retaking what is his own.² It need hardly be remarked that self-defence justified the employment of any means. The king must himself preside over the court, but he must always be assisted by Brāhmaṇas and learned councillors. In court, the king must maintain a dignified demeanour but he should not be ostentatious in his dress or ornaments. Seated or standing, he should raise his right arm and "examine the business of suitors." In the absence of the king, a learned Brāhmaṇa should act as judge, assisted by three councillors. Then, there is seen the court of the four-faced Brahman. It is never for Śūdras to interpret the law. A king who looks on while a Śūdra pronounces the sentence will find his realm sinking into misfortunes like a cow into a quagmire. The judges must try to find out the truth by inferences as a hunter traces the lair of a wounded deer by the drops of blood. "When engaged in judicial proceedings he must pay full attention to the truth, to the object, to himself, next to the witnesses, to the place, to the time and to the aspect."

¹ Ibid., VIII, 48-50.

² Ibid., VIII, 48-50.



Irrespective of caste, trustworthy men, who know their whole duty and who are free from covetousness are admissible as witnesses. How these moral qualifications are to be ascertained we are not told, but those who do not possess them are barred by Manu from the witness-box. Interested persons, friends, companions, enemies, those convicted of perjury, were not admissible as witnesses. So, too, those wholly dependent, men of notoriety, Dasyus, followers of forbidden occupations, men of the lowest castes, those deficient in organs of sense, lunatics, thieves, wrathful people, those who are extremely grieved, intoxicated, tormented by hunger or thirst or desire, or oppressed by fatigue. The king could not be summoned as a witness, nor ascetics, students, Śrotriyas, mechanics, actors, old men and infants. As a rule, women, twice-born men, Śādras, and men of the lowest castes should give evidence for people of the same class. But any person who has inside knowledge of a murder case, or of acts done in the interior of a house or in a forest, could be called as a witness. On failure of regular witnesses, indeed, any one could be summoned to bear evidence, women, infants, pupils, relations, slaves or hired servants for example. Particularly in cases of violence, theft, adultery, defamation and assault, the competence of witnesses should not be examined too closely. It appears that witnesses did not merely report facts; they shared a little of the character of assessors. This is the hypothesis which best explains the following verse in Manu:—

“On a conflict of the witnesses the king shall accept the majority; if (the parties are) equal in number, those distinguished by good qualities; on a difference between the distinguished, the best among the twice-born.”

In extraordinarily strong terms Manu demands truthful evidence. When the parties and witnesses were



assembled in the court, the judge was to address as follows :—

“.....A witness who speaks the truth in his evidence gains (after death) the most excellent regions and here unsurpassable fame; such testimony is revered by Brahman.

“He who gives false evidence is firmly bound by Varuṇa’s fetters, helpless during one hundred existences; let (men) give true evidence.

“By truthfulness a witness is purified, through truthfulness his merit grows, truth must, therefore, be spoken by witnesses of all castes.

“The Soul itself is the witness of the Soul, and the Soul is the refuge of the Soul; despise not thy own Soul, the supreme witness of men.....”

In commencing an examination, the judge should ask a Brāhmaṇa to “speak” and a Kṣatriya to “speak the truth.” He should admonish a Vaiśya by mentioning his grain, gold and kine. He should exhort and threaten a Śūdra as follows :—

“Whatever places are assigned to the slayer of a Brāhmaṇa, to the murderer of women and children, to him who betrays a friend and to an ungrateful man, those shall be thine, if thou speakest falsely.

“All meritorious deeds which thou, good man, hast done since thy birth, shall become the share of the dogs, if in thy speech thou departest from the truth.....

“Naked and shorn, tormented with hunger and thirst, and deprived of sight, shall the man who gives false evidence go with a potshred to beg food at the door of his enemy.

“Headlong, in utter darkness shall the sinful man tumble into hell, who being interrogated in a judicial inquiry answers one question falsely.....

"Learn now, O friend, from an enumeration in due order how many relatives he destroys who gives false evidence in several particular cases.

"He kills five by false testimony regarding (small) cattle, he kills ten by false testimony regarding kine, he kills a hundred by false evidence concerning horses, and a thousand by false evidence concerning men.

"By speaking falsely in a cause regarding gold, he kills the born and the unborn; by false evidence concerning land, he kills everything; beware, therefore, of false evidence concerning land."

From these sublime heights, however, Manu falls to the ridiculous when he says that if the true evidence would cause the death of a Brāhmaṇa, Kṣatriya, Vaiśya or Śūdra, "a falsehood may be spoken; for such (falsehood) is preferable to the truth." As a rule, however, Manu insists on veracity in the law-courts, prescribes heavy fines for perjury and counsels the reversal of a judgment based on false evidence. Besides the evidence of witnesses, the observation of the voice, colour, motions, aspect, eyes and gestures of the parties should aid the judge in discovering the internal dispositions of man. Manu recognises two ordeals though he does not dilate on them at length. If one could dive under water or carry fire, one was held to be innocent. Once when Vatsa was accused by his younger brother, the fire, "the spy of the world," did not burn even a hair of his, for he was truthful.¹

¹ Ibid., VIII, 1-2, 9-11, 20-21, 71-123, 25-26, 115-17.

Manu (VIII, 4-7) remarks that there are eighteen matters which give rise to law suits: (1) non-payment of debts, (2) deposit and pledge, (3) sale without ownership, concerns among partners, (5) resumption of gifts, (6) non-payment of wages, (7) non-performance of agreements, (8) rescission of sale and purchase, (9) disputes between the owner and his servants, (10) boundaries, (11) assault, (12) defamation, (13) theft, (14) robbery and violence, (15) adultery, (16) duties of man and wife, (17) partition, (18) gambling and betting.



in a town, "let him sit encamped, harass his kingdom, and continually spoil his grass, food, fuel and water. Likewise, let him destroy the tanks, ramparts and ditches." It was almost the duty of a king to sow dissensions in the ranks of his enemies.

In diplomatic and military affairs, as also in the internal administration, spies play a conspicuous part but Manu adds

Espionage. nothing to what the Mahâbhârata lays down on the subject.



CHAPTER V.

The Arthasâstras of Kautilya and Brihaspati

In Vedic literature, in the Mahâbhârata and in Manu political thought occurs as an incident in the general discussion of human life and duties. But about this time, governmental theory acquired an independent status and formed the subject of distinct works. It never

Politics as an
Independent
Science.

lost touch with other branches of philosophy but it was recognised as a thing by itself and treated by itself in Arthasâstras, or treatises on welfare or profit. The Mahâbhârata refers to several

The Artha-
sâstra.

Arthasâstras but the oldest extant work of its kind is the Arthasâstra discovered at Trivandrum in Southern India more than twenty years ago. Its date and authorship are not yet finally settled. According to tradition, it was composed by Chânakya or Kautilya, the mighty chancellor of the first Mauryan emperor Chandra-gupta in the fourth century before Christ. Mr. Shamasastri, the discoverer and first editor of the Arthasâstra, accepted the tradition and advanced some arguments to support it. But in a few years the tradition was called in question and a battle of articles has ever since raged over the problem. Dr. Jolly, the latest editor of the work, argues like Professor Winternitz that the real author was "a theoretician, no statesman but perhaps an official in a state of medium size." "The ascription of the work to Kautilya or Chânakya was entirely due to the myths current regarding that fabulous minister who was looked upon as the master and creator of

theart of polity and as the author of all the floating wisdom on the subject of Niti." Both the scholars think that "we might abide by the third century as the probable date of the Arthaśāstra." It is possible to controvert this conclusion, but it is impossible dogmatically to fix any other date. To the student of institutions, the uncertainty is a severe handicap. For the student of political theory the safest course is to start with the working assumption that the work existed in third century A.D.¹ Whatever the date of Kautilya, it must be admitted that he has in mind not a huge empire like the Mauryan but a congeries of small states such as generally filled the plains and tablelands of India. He covers every branch of administration but he

¹ On the date and authorship of the Arthaśāstra, see Shama-sastry's Preface and Dr. Fleet's Introductory Note; Radhakumud Mukerji's Introductory Essay on the Age and Authenticity of the Arthaśāstra of Kautilya, in N. N. Law's Studies in Ancient Hindu Polity. Also Mr. Law's reply (Calcutta Review, September–December, 1924) to Dr. Winternitz's arguments, based chiefly on the work of his pupil Dr. Stein; Dr. Jolly's introduction (pp. 1–47) to his edition of the Arthaśāstra of Kautilya, Lahore, 1924. Jolly's arguments are contested by Kashi Prasad Jayaswal, Hindu Polity, Part I, Appendix C, pp. 203–215. See also Mahāmahopādhyāya Ganapati Shastri's Introduction to his Edition of the Arthaśāstra. For a contrary view, A. B. Keith in the Journal of the Royal Asiatic Society, 1916.

Sir Ramakrishna Bhandarkar thinks that the first or second century A.D. is the earliest date which can be assigned to Kautilya. Proceedings of the Oriental Congress, Poona, 1920–24. In the third volume of his "History of Indian Literature," Prof. Winternitz argues for the third century as the date of the Arthaśāstra.

The correct Sanskrit spelling of the author's name is Kautilya as in Munich and Madras Mss., not Kautilya which, unfortunately, has been accepted by many writers. See the Indian Historical Review, 1925, pp. 569, 786. Kautilya, not Kautilya, occurs in an inscription of Vikrama Era, 1291, recently discovered in Gujarata. Kautilya is also called Chānakya or Viṣṇugupta.

The Arthaśāstra consists of Sūtras and commentaries thereon (both composed by Kautilya) and some verses appended at the close of each chapter and sometimes thrown into the text. Many of these also are probably Kautilya's composition. Kautilya speaks in the third person as some other Sanskrit writers do. Medhātithi, commenting on Manu, VII, 191, 205, quotes two passages from what he calls Samānatantra. Jolly has traced the passages to Kautilya and thinks that his work may have been styled Samānatantra from the recurrence of the phrase samānam.



does not profess to describe the institutions of any particular state. His tone is always prescriptive but probably he draws largely on existing facts, and generalising and amplifying, seeks to make out what a state ought to be. Whether an administrator or a mere theoretician, he must have been in intimate touch with men and affairs. While referring frequently to his master and predecessors, he seems always to speak with first-hand knowledge. A severe realism not always joined to practicality distinguishes Kautilya from the majority of Hindu writers on politics.

About the eighth century Kāmandaka declared that his master Kautilya was the founder of a new science, that of politics. There is an element of justice in

Kautilya on
his debt to his
predecessors.

the claim in so far as Kautilya reorganised the science. But he himself proclaimed, freely and frankly, in his first sentence, that his work was "a compendium of almost all the Arthaśāstras, which in view of acquisition and maintenance of earth, have been composed by ancient teachers."¹ From internal evidence it is clear that Kautilya was familiar with the extensive range of Dharmaśāstra literature. What the Arthaśāstra school did was very largely to secularise politics.

It is significant that Kautilya simply does not think of dealing with the entire field of knowledge. Politics must be

Independent
Science and
Politics.

treated as an independent science. Only it needs to be fitted into the general scheme of knowledge. Altogether, we are told, there are four sciences. First, Ānvikṣiki or philosophy including the materialistic Lokāyata system which sharpens the intellect, opens the heart, and opens the gate to all knowledge and virtue. Secondly, the Trayī or the triple Vedas, Rik, Sāma and Yajus. To these might be added the Atharvaveda and historical lore. Attached to the

¹ Arthaśāstra, Ed. Shamasastri, p. 1. Shamasastri's translation, p. 1.



Vedic framework were certain subsidiary sciences which had grown up to assist the recitation and interpretation of Vedic hymns, and the determination of the time of Vedic sacrifices. Such were grammar, lexicography, prosody, phonetics and astronomy. It is from the Vedas that the regulations on four castes and four stages of life were derived. Thirdly, Vārtā or economics was concerned with agriculture, cattle-breeding and trade. Lastly, Dandantī or politics was the science of government, of the enforcement of law and order.¹ It treated of the means of fresh acquisitions of the preservation and increase of acquisitions and of bestowing the surplus on the deserving. Some had sought to relegate politics to a secondary position. But Kautilya proclaimed that politics was the supreme science and supreme art. It lay at the root of all. The welfare of all sciences depended on the well-being of politics.² But Kautilya does not agree with Uśanas in thinking that the science of government is the only science. Perhaps, he realised that this would only mean the designation of a conglomeration of sciences by the name of politics.

The science of politics is clearly demarcated from all other branches of social science, but it is recognised that it stands in certain relations with them.

The Relation
of Politics to
other Sciences.

From religion and ethics it derives the fundamental dogma that the happiness of the people in this world and in the next is to be promoted. From the same source it derives certain

¹ Ibid., 7—9; tr., 8—10.

As Jolly and Schmidt (*Arthasāstra*, Vol. II, p. 3) point out *Ānvīkṣakī* was sometimes identified with the *Lokāyata* system. *Rāmāyaṇa*, II, 100, 38. Kautilya's mention of it is another indication of his secular learning.

It is significant that Kautilya begins by invoking Śukra and Brihaspati, two of the traditional founders of *Arthasāstra* schools.

² Ibid., 9-10; tr., 9-10.



principles of social organisation, the division of the people into four castes, of individual life into four stages. It tries to fit itself into this framework of life. From religion and ethics, politics borrows something, an ideal, a scheme of organisation. With economics it entwines itself completely and inextricably. In fact, the two sciences—Vârtâ or economics, and Dandanîti or science of Government—merge together, and appear as Arthaśâstra or the science of worldly prosperity—well-being. In theory the distinction remains; but throughout the Arthaśâstra, well-being is treated as a whole.

On the deeper problems of political theory Kautalya has little that is original. He merely adopts the conclusions and dogmas of his predecessors. It is always in systematisation and clarification that his chief contribution consists. In the course of an apparently incidental dialogue, we are told that

The Origin of the State. the state originated when people got weary of the Logic of the Fish. They selected

Manu to be king. It was settled that the king should receive one-sixth of the grain, and one-tenth of the merchandise and of the gold, as his due. It was this revenue which made it possible for the king to ensure the security and prosperity of his subjects. It must be remembered that the king was bound to protect the people and promote their welfare.¹ Kautalya freely concedes the

possibility of republican polity. He even admits that a corporation of clans is invincible in its nature, and enjoys permanent existence.² But it appears that when he composed his *magnum opus*, the republics were a thing of the past. The monarchical principle reigned supreme. Kautalya's whole outlook, tone, and trend of thought are monarchical.

¹ Arthaśâstra, 23; tr., 26. For the Logic of the Fish cf. the Kâma Sûtra (pp. 21-2) of Vâtsâyana who was deeply indebted to Kautalya for ideas and style.

² Ibid., 35; tr., 40.

The state must maintain order. Discipline lay at the root of all success. Disorder and offences must be repressed.

But undue severity means oppression and defeats its own purpose. On the other hand, undue leniency means weakness. The one provoked disaffection; the other invited contempt. Both the extremes must be avoided. Moderation is the safest rule of state-conduct.¹

Justice. Justice is the bedrock of society. Early in his work, Kautilya emphasises the need of justice, particularly in one direction. Taxation must be just and equitable.²

These were what a modern student would call the constituent functions of the state. But they formed only the fringe of Hindu state-activity. Kautilya has a section on the Removal of Thorns. The expression reminds one of Kant's Hindrance of Hindrances. But Kautilya's whole conception of the duties of the state is much more positive. The state should strive to dispel the misfortunes which afflict the people. It must grapple with floods and famines, rats and locusts, tigers and serpents. It must see that population was evenly distributed; that precautions were taken against fire; that capitalistic selfishness did not raise the price of commodities. More, the state must regulate and try to improve every aspect of social life—marriage, family life, the organisation of guilds, and so on. The state, in fact, was commensurate with society.³

Kautilya nowhere exactly defines the state or sovereignty, but he frankly adopts the time-honoured seven elements. The king who stands at the head must receive a thorough education and develop a character of austere virtue and

¹ Ibid., 9; tr., 9.

² Ibid., 22; tr., 26.

³ In verses at the close of Chs. III, IV, Book I, the king is enjoined to uphold the principles of caste and division of life but these verses may be later interpolations.



self-restraint, an all-controlling sense of duty. All his thoughts, all his energies, all his time, must be consecrated to the service of his people. Sovereigns who had neglected their obligations and pursued a course of tyranny, had come to

Succession.

grief. In the succession, the law of primogeniture is roughly recognised, but exceptions are allowed. The prince is one of the principal charges of the state. All care and tenderness must be bestowed on his upbringing and education, but if he misbehaves and flies into revolt, kingship knows no kinship. In the interests of the state, royal blood may flow like water. The king must enforce the social order as it had been evolved in the course of ages. In specifying the duties of the four castes, Kautalya does not confine the Śādras to the service of the superior castes. They may follow the occupations of artisans and court-bards or, like the Vaiśyas, they may take to agriculture, cattle-breeding and trade.¹

The government must promote the true religion;² but in the face of the other-worldliness which religion inculcated, Kautalya undertook to maintain the dignity of family life. He took his courage in both hands and sought to reduce the heavy toll which asceticism has levied on the social

Asceticism.

energy of Indian manhood and womanhood. He laid down that women should not be converted to Renunciation. Of men, only those who

Its regulations.

had passed middle age could leave the world, and that only after making adequate provision for their dependents. As they departed from their homes, they must distribute their wealth

¹ Ibid., 7; translation, 7. The same Chapter III, in Book I, specifies the duties of other castes and of the various stages of life.

² During several centuries preceding and following the Christian era, various Indian states undertook to propagate Brahmanism, Buddhism or Jainism.



among their sons. Any violation of these rules brought the penalty known as the first amercement, a pretty heavy fine. Husband and wife, father and son, brother and sister, uncle and nephew, teacher and student, must be faithful to each other and must not desert each other. The movements of ascetic congregations were regulated, probably with a view to mitigating the pressure of their sustenance upon the industrious population. Elders must not depreciate but rather improve the property of their wards, as well as that dedicated to the gods. A fine of twelve panas, again, was

Maintenance
of dependents.

prescribed for those who omitted to maintain their dependents, whether parents or children, brothers or sisters or wives. But

only too frequent were the cases where poverty would defeat all noble instincts. Kautalya, therefore, would provide subsistence to poor, pregnant women and to their new-born off-

State support
to women, old
people, orphans,
etc.

spring. In like manner, pensions were prescribed for the aged and the infirm, the afflicted and the helpless, and to orphans.¹

At the time of which we are speaking the Curtain, as the seclusion of women in the East is called, was falling fast over social happiness in India. Love,

Witchcraft.

denied its rightful freedom, went into strange aberrations. It was permitted to a lover to use witchcraft to rouse a response in the heart of the relentless fair. A husband might try what witchcraft could do, when more rational means failed, to regain the lost affections of an indifferent wife. But here Kautalya cried a halt. Carried further, witchcraft brought the middle amercement. To pervert it to incestuous purposes was to invite mutilation and death. The extreme penalty was inflicted on a woman

¹ Ibid., 47-48; tr., 53. Ibid., 199; tr., 251.



who yielded herself to an incestuous wizard, a servant, or a hired labourer.¹

In married life, the subjection of woman was admitted. A certain degree of scolding, stopping short of indecent abuse, or three strokes from a bamboo-bark, a rope or with the palm of the hand, might be used to teach 'manners' to 'refractory' women. Cruelty to husbands was punished with the same indignity. But neither scolding nor strokes were prescribed to bring husbands to manners or humanity. Yet all hope of relief from domestic unhappiness was not shut out. Divorce,

conspicuous by its absence from modern

Hindu law, was permitted on the ground of mutual enmity, with the consent of both parties. Apprehensions of danger from either partner justified the other in claiming a divorce. Hatred on either side

Separation.

was a ground for separation, though not for a regular divorce. Transgressions of decorum and slight lapses on either side were punished with fines and, in certain cases, with whipping. Not only may widows freely remarry, but wives are permitted by Kautalya to contract temporary unions in the event of prolonged absences and uncertainties of the whereabouts of their husbands. Kautalya, on the whole, favours monogamy. A man may marry a second time, only, if after an experience of eight years he finds that his wife is barren or brings forth no male issue or, if after an experience of twelve years she produces no living children. If this rule is violated, the man should not only restore her stridhana (special property) to his first wife and give her an adequate monetary compensation, but he should also pay a fine of 24 paṇas to the government.²

¹ Arthaśāstra, 232-235; tr., 292-296.

² Ibid., 153, 154-158, 159; tr., 195, 196-200; 200-3. The existence of these provisions is one of the most powerful arguments for assigning an earlier date to Kautalya.

The honour of women formed one of the chief cares of the law as enunciated by Kautalya. Sexual intercourse with immature girls, even with their consent, was treated as criminal assault. The protection of this salutary provision was extended to the daughters of prostitutes as well.¹ On those who violated the chastity of their female slaves or servants, the law descended with a heavy hand. Besides, child-birth in such a slave-girl's case meant the emancipation of the mother as well as the infant.² All outrages on widows or other females should be severely dealt with. Where free and mature persons alone were concerned, a distinction was drawn between cases in which violence was used and marital rights were violated, and the rest. A deep social stigma attached to the cohabitation of young betrothed lovers before their marriage, but Kautalya refused to treat it as an offence. So, too, persons of equal, and, after a certain advanced stage of majority, even of unequal caste and rank, might risk their reputations by irregular unions, but did not come within the clutches of the law.³

Caste, which peeps in here, disgracefully vitiated the law on adultery. For example, adultery with an unguarded Brāhmaṇa woman brought on a Kṣatriya the highest amercement, on a Vaiśya confiscation of all his property, and on a Śūdra, death by being burnt alive, wrapped in mats. Adultery with a low-caste woman was punished with degradation to the same level or banishment with an ignominious brand on the forehead. A Śūdra, or a śvapaka, guilty with a female of low caste, received death, while the woman was deprived of her nose and ears. An iniquitous law provided that if an outcast touched

¹ Ibid., 124 ; tr., 154, 16.

² Ibid., 183 ; tr., 233.

³ Ibid., 228-229 ; tr., 289. It may be mentioned that slavery was generally confined to foreigners. (Arthaśāstra, 181 ; tr., 230-231.)



an Aryan woman, he was fined an hundred panas.¹ Prostitution, which could not be stamped out, was

Prostitution.

subjected to minute regulations. It is not necessary to go into all the unpleasant details, but it may be pointed out here that in Kautalya's system the Superintendent of Prostitutes classified them into grades, prescribed their fees, limited their expenditure and sternly checked all tendency to extravagance. They must present their daily budget to the authorities, one-fifteenth part of their income going to the coffers of the state. Revenue, indeed, was one of the motives which promoted the whole system of regulation. Strict rules are laid down for the inheritance of the property of prostitutes. Again, they could not mortgage their property or entrust their jewellery to any one except their mothers. Their conduct comes in for state supervision. If they hurt or defamed any one, they were heavily fined. If they murdered their paramours, they should be consigned to a watery or fiery death. If they refused to adhere to agreements which were neither "ill-considered," nor "improper," they were to be fined twice and, in certain cases, eight times the amount of the stipulated fee. The state is not to maintain any brothels of its own, but it could appoint prostitutes to men,—a provision with which the deplorable exigencies of barrack-life had, perhaps, something to do. If the wretched women refused, they were to be heavily fined or barbarously whipped. On the other hand, severe punishment was meted out to those who abducted, hurt, or outraged a prostitute, her mother, daughter, or maid-servant.²

The same spirit of minute regulation pervades the law on elopement. Every step, every possibility

Elopement.

in the complicated transaction forms the subject of legal ordinance. But little need be said

¹ Ibid., 232—5 ; tr., 292—6. Ibid., 199 ; tr., 251.

² Ibid., 124—25, 184 ; tr., 153—55, 234.



of it here. Nor is it permissible to treat of that revolting unnameable corruption which, while infinitely less extensive than in Greece or Rome, was not altogether unknown in India. It was punished with the first amercement and, as literature amply proves, carried intense social reprobation.¹

Nothing is clearer than that Kautilya wants the state to make an effort to promote morality, but the inherent

difficulties of the task must have been Inheritance.

difficult to surmount. It was easier to regulate another important side of social life—inheritance. It furnished room for some of the most complicated provisions known to Hindu Law. So far as property rights were concerned, children had no majority during the lifetime of their progenitors. But, except for extraordinary reasons, property, as a whole, was divided equally among sons. Idiots, lunatics, lepers and the blind were debarred from inheritance. Property, for which no claimant was found, escheated to the state except when it happened to belong to learned men, in which case it went to their professional brethren. To the general rule of equal division, there are a few curious exceptions in Kautilya. Eldest sons receive as their special share, among Brâhmanas, goats; among Kṣatriyas, horses; among Vaiśyas, cows; among Śûdras, sheep. Blind animals fell to middlemost sons and parti-coloured ones to the youngest. If there were no cattle for division, the eldest son was entitled to an additional tenth of the whole property, barring the precious stones. The eldest son, it must be remembered, performed certain particular ceremonies to the memory and heavenly peace of ancestors, which entailed some

¹ Ibid., 232—35; tr., 292—6.



expenditure. The father's carriage and jewellery went to the eldest son; his bed, seat, and bronze plate to the middlemost; and his black grams, iron and domestic utensils, cows and carts to the youngest. In certain contingencies, such as the negligence of religious observances, the sons forfeited part of the inheritance. Daughters received the bronze plate and the jewellery of their mother after her death.¹

Nothing illustrates the all-absorbing character of the activity of Kautalya's state better than the control

Entertain- prescribed over public amusements and
ments and entertainments. The state was to endow
Amusements. academies of dramatic art where actors
and actresses would learn reading and writing, music and song, dancing and painting, and where they would master a complete code of deportment and blandishment. Here, too, the sons of prostitutes might be trained to be "chief actors," "stars," as we should say, of the stage. The door was open to public women themselves. If the modern conscience is shocked, it is only fair to surmise that the stage and the music-hall might have served as steps to the elevation of the fallen. Dancers, and rope-dancers, buffoons and jugglers, mimic-players and *troubadours*, were other members of the class which ministered to public enjoyment. One of the ways in which the state was to patronise them was by levying a fee of five *panas* on their foreign competitors who came to practise their arts. Natives and foreigners alike, all should present their daily budgets to the authorities, and pay one-fifteenth of their income as taxes. But no amount of taxation seems to have affected their flourishing trade. Tremendous was the popularity they enjoyed. They formed themselves into companies and wandered from place to place. Everywhere

¹ Ibid., 160—5; tr., 203—10.



they received plenty of remuneration in the form of provisions and drinks, cash and free labour. If they prolonged their sojourns, they tended to impoverish the population. Kautilya decreed that villages should not erect permanent halls for sport and plays. Some of the companies, thanks to their organisation, acquired considerable strength. Kautilya ruled that they might play as they liked, but "they shall strictly avoid giving too much indulgence, or causing too much loss to any one" or "they shall be punished with a fine of twelve *panas*." During the rains, they were, in their own interest, forbidden to move about. Besides the revenue and the public good, Kautilya seems to have had another motive in advising the state to concern itself with entertainment companies. Actresses and others cultivated foreign languages, learnt code-signalling, secretly served as detective police, watched the doings of foreign spies and themselves acted as spies in foreign lands.¹

It was the same threefold motive that led Kautilya to inculcate the control of gambling. The Superintendent

Gambling. should appoint definite places, supply water and other conveniences, of course

for a consideration, and hire out dice and what is called *kākanī*. To play anywhere else meant a fine of twelve *panas*. If any players dexterously substituted other dice, they had to pay a similar fine. Fairness was to be rigorously enforced. A foul player not only forfeited his winnings, if any, and received the first amercement, but was also treated as a thief. The superintendent, on behalf of the state, appropriated five per cent of all winnings. Little could have been left in the end to the players but the excitement that comes from "the hot

¹ Arthaśāstra, 125, 202, 48-49 ; tr., 155-56, 257, 53-54.



fever of hope and fear." The same rules applied to all betting and challenging, except in learning and art. While play was in progress, the Superintendent should exert all his psychological skill in detecting any spies or thieves.¹

Not only amusements, but professions and occupations also came within the purview of state control. The medical profession is a case in point. Physicians must report all cases of grave illness to the Government. If death occurred in an unreported case, the physician was punished with the first amercement. If, in any case, death was due to his carelessness, he received the middlemost amercement; while positive neglect or indifference was treated as assault or violence.²

Surprising as it may seem to our age, the medical profession did not organise itself so well in Guilds. ancient India as did the humbler occupations. To the craft guilds and merchant guilds a good deal of autonomy was allowed even in the days of centralisation. But Kautilya laid down certain broad principles, and wanted them to be enforced by the state. A series of veritable Statutes of Labourers ruled that artisans must fulfil their engagements as to time, place, and form of work, and that failure to carry them out, except when due to "troubles and calamities," not only meant the forfeiture of a quarter of their wages, but also a fine of twice the amount of their wages and the payment of damages into the bargain.³ Again the violation of instructions in the course of a piece of work was to be punished with the forfeiture of

¹ Arthasāstra, 197-98; tr., 249-50.

² Ibid., 202; tr., 257.

³ It is not perfectly clear why the distinction between the fine and the forfeiture of wages was drawn. Probably the fine and damages were realised by instalments.



wages and a fine twice the amount. On the other hand, those who sought to deprive the artisans of their just earnings by minimising the quality of their work or obstructing the sale and purchase of goods, should be fined the stupendous amount of a thousand *panas*.¹

Weavers.

Weavers of linen or silk, of woollen garments or blankets, or of broad-cloth, were expected to reach the usual standard. If they failed, they must make up for the loss and pay a fine twice the amount.² Washermen should be paid one *pana* for the best garments, half a *pana* for inferior stuff, and one-eighth of a *pana* for rough washing on big stones. They were expected to take the utmost care of the laundry. If they laundered anywhere else than on wooden planks or smooth stones, they should be fined six *panas*, and should pay damages. If they sold, mortgaged, or hired out the clothes of their customers, they were fined twelve *panas*. If guilty of fraudulent substitution of clothes, they must not only restore the originals, but pay a fine twice their value. Fines were, likewise, imposed for delaying the return of

Goldsmiths,
etc.

laundry longer than one, five, or seven nights, fixed for different cases.³ Rules on similar lines were drawn up for the guidance of goldsmiths, workers, and so forth.

In the realm of commerce, Kautalya would minutely fix weights and measures, and severely deal with any fraud.

Weights and
Measures.

The State Department itself was to be responsible for the manufacture of many, if not all, of the units of weights and measures.⁴ In fact, in Kautalya the state itself is by far

¹ Ibid., 201, 204 ; tr., 253, 259.

² Ibid., 201 ; tr., 254.

³ Ibid., 201 ; tr., 254-5.

⁴ Ibid., 203 ; tr., 258-59 ; 103 ; tr., 127.



the biggest business concern. The proceeds from the crown lands themselves, and such of the revenue as was paid in kind, formed vast store. From the land and ocean mines came untold quantities of salt, pearls, precious stones and metals. The forest yielded not only the most valuable timbers, but firewood, fodder, and animal products—teeth and tusks, bones and horns, hides, and so forth. The king's merchandise should generally be exposed in definite places for sale in wooden boxes with apertures on top. But pedlars might occasionally be employed. It found a market in foreign lands where the proceeds were to be utilised for settling 'international' payments. In the case of state monopolies, the Superintendent of Commerce is told not to insist on profits burdensome to the people. The sale of commodities which were in frequent demand, roughly those which modern theory would class as essential or useful, was neither to be localised nor restricted in time. The prices of state goods were to be fixed by the Superintendent after a comprehensive study of the markets.¹

The Koṣṭhâgâra, or the Superintendent of the storehouse, should manage the factories of oils, and so forth. Besides,

Manufactures
of Oils, etc.

he regulated the sale of grains, barter, and so on.² Many of the state factories primarily supplied the requirements of the

Court. But incidentally they were turned to a more humanitarian purpose. Kautalya would like an effort to be made

Regulation of
barter, etc.
State Fac-
tories.

to provide work for poor women whose husbands had gone abroad. The weaving factories should furnish employment for widows, cripple women, women condemn-

ed to pay fines, and reclaimed prostitutes. Those who

¹ Ibid., 98—101; tr., 118—123.

² Ibid., 93—95; tr., 112—14.



grossly neglected their duty or pilfered the goods should have their hands cut off, or should be given other punishments. Sweating was never to be allowed. All workers were to enjoy a definite number of holidays. If ever they were required to work on holidays, they were entitled to extra payment. Efficiency was encouraged by rewards and bonuses. Officers who delayed the disbursement of wages should be punished with the middle amercement. Officers, again, were sternly commanded not to stare at the faces of female workers, or to talk to them about anything except the work in hand. An infringement of this rule brought the first amercement.¹

Passing from its own manufactures and their sale, the State, as pictured by Kautalya, proceeded to control the economic life of the whole community.

Licences.

Three days of grace were allowed to merchants for the repayment of their debts. Rates of interest on loan and mortgage were fixed at 15 and 12½ per cent. per annum. A licence was essential "to collect grains and other merchandise" for wholesale business. The goods of unlicensed mercantile houses were to be

promptly confiscated. On a variety of

Prices fixed.

consideration—such as the outlay of capital, the interest thereon, the quantity manufactured, the amount of toll, the expenses of hire, and so forth—the Superintendent of Commerce should strike the balance and fix the prices. In wholesale transactions, a five per cent profit was allowed on home commodities, and ten per cent on foreign ones. Any attempt to get round the rule and obtain an extra half per cent brought a fine ranging from five to two hundred *panas*. The greater the fraud, the heavier was the fine. But if the merchants failed to dispose

¹ Ibid., 113—15; tr., 140—42.



of their stock wholesale, or if obstructions in traffic put them to loss, a higher rate of profit was allowed. Capitalists who combined "either to prevent the sale of merchandise, or to sell or purchase commodities at higher prices," were to be fined a thousand *panas*. Fraud and adulteration were severely dealt with. To pass inferior "timber, iron, brilliant stones, ropes, skins, earthenware, threads, fibrous garments and woollen clothes," for more than their real worth, was to invite a fine eight times the value of the articles sold. The adulteration of "grains, oils, alkalis, salts, scents, and medicinal articles," with worthless stuff, was punished with a fine of twelve *panas*. The adulteration of some other commodities brought a fine of fifty-four *panas plus* compensation.¹

Commerce formed one of the chief sources of revenue. The customs are so regulated by Kautalya as to secure the effective control of the market. All sales must be transacted in the market-place.

All exports and imports are taxed,—imports generally 20 % *ad valorem*. On flowers, fruits, vegetables, roots, bulbous roots, dried meat and dried fish, 16 $\frac{2}{3}$ % is charged; on fibrous garments, cotton cloths, silk, mail armour, red arsenic, vermilion, metals, colouring ingredients, sandals, pungents, ferments, dress, and so forth; wine, ivory, skins, raw materials for fibrous or cotton garments, carpets or curtains; products from worms, goats or sheep—10 or 6 $\frac{2}{3}$ %; on some cloths, quadrupeds, bipeds, threads, cotton, scents, medicines, wood, bamboo, fibres, skins, clay-pots, grains, oils, sugar, salt, liquor, cooked rice and so forth, five or four per cent. The tolls on conch-shells, diamonds, precious stones, pearls, corals, and necklaces should be determined

¹ Ibid., 203-4; tr., 258—61; 137; tr., 237, 174, 221.



by experts on the "time, cost, and finish" of their production. One-fifth of the tolls should be paid at the gate, but the total amount may be remitted in certain contingencies. Close to the principal gate of the city stood the toll-house waving its flag towards the north or the south. As the merchants came in with their stock, sealed at the outset or somewhere on the way, they told the officers their names, their homes, the amount of their merchandise, and the place of the first seal-mark. Those who had evaded the first seal should pay twice the toll; and those who counterfeited it, eight times as much. All commodities had to be precisely weighed, measured or numbered, before sale. Beneath the flag of the toll-house, the merchants should declare in all solemnity the quantity and the price of the goods. Thrice they should cry out, "who will purchase this quantity of merchandise for this amount in price?" If a single customer offered the stated price, the transaction was at once complete. But if several persons volunteered to purchase, the highest bidder had the preference. The excess over the declared price, however, goes, not into the seller's pockets, but into the king's treasury. Sometimes the state was content with only as much of it as the amount of the toll. Frequent cases occurred of fraudulent collusion between merchants and 'purchasers' to defeat the intents of the customs-house. If, in order to avoid a heavy toll, the merchant understated the quantity or price of his stock, he was fined the difference, and eight times the toll. Those who tried to evade the tolls were likewise fined eight times the amount. It was further laid down that lies in all these affairs were tantamount to thefts, and false swearing was to be punished with the first amercement. In certain other instances, smuggling was punished with the forfeiture of the article and a fine equal to its value. The importation of weapons, mail armour, metals, chariots, precious stones,



grains and cattle, was either a state monopoly or subject to control. Those who imported them forfeited the stock and received other chastisement.

Besides these principal duties there are some minor dues to be paid. The wardens of the marches could levy a *pana* on each head of cattle, a quarter *pana* on a minor quadruped, one and a quarter as road-cess on every load of merchandise, and a *māsā* on every head-load. The wardens should also stamp all imports with their seals and forward them to the Superintendent of Tolls. Merchants were entitled to compensation for any loss to their goods in state custody. Curiously enough, it is commodities of ceremonial use that formed the chief exceptions to the customs. Articles intended for marriage rites, or for women during their period of confinement, or which a bride was taking from her parents to her new home, gifts for presentation, for the ceremony of tonsure, sacrifices, investiture with sacred thread, worship of gods or other such ritual, cows which were to be given away—all should pass free.¹

The use of liquor was to be rigidly controlled everywhere—in town and country, camps and forts. A licence was essential to its manufacture and sale.

Liquor.

The liquor trade might be centralised or decentralised “in accordance with the requirements of demand or supply.” Illicit dealing to be punished with a fine of six hundred *panas*. Its transit from place to place was discouraged. The state, however, was to establish numerous liquor shops at suitable distances from each other. Kautalya would furnish them with beds and seats, and enhance their attraction with scents, garlands of flowers, water and other comforts. But liquor was to be sold only to persons of known character—a rather vague provision—and only in small quantities of a quarter or one

¹ Ibid., 110—13; tr., 135—40.



kudumba, or a half or one *prastha*. Unless positively bad, it was never to be sold below a certain price. It was, however, an outrage on humanity to permit bad drink to be distributed to slaves or workmen in lieu of wages, or to be doled out to hogs and beasts. As a rule, liquor had to be consumed within the shops. Drunkards, as soon as they grew tipsy, should be closely watched by spies. Sometimes they would give out secrets. Often they would admit complicity in some crime and find themselves under arrest. Besides the state breweries, there might be private ones on licence. But the former were effectively protected by the extra 5 p.c. toll levied on liquor in the others. In regard to other

Other fermentations.

fermentations, the Superintendent calculated the loss accruing to the king's trade from private enterprise, native and foreign, and determined the amount due to the exchequer from the dealers. The code of temperance was to be relaxed for four days on occasions of festivity, fairs and pilgrimages. The licence fee was not suspended, but an unusual latitude was allowed all round.¹

Intoxication is coupled in Hindu ethics with the slaughter of animals. Kautalya definitely prohibits the slaughter of milch-cows, calves and bulls. Fifty *panas* was the penalty for killing or torturing them. If certain useful or pleasing animals such as elephants or horses, flamingoes, cuckoos, peacocks, parrots, certain ducks, pheasants or partridges were molested, the penalty was the first amercement. Nor could the deer, bison, birds and fishes in state-forests or otherwise declared under state patronage be killed or entrapped. Animals allowed for food must be killed in the slaughter-house. Fresh and boneless meat alone could be exposed for sale. A customer who had been served bony meat, was entitled to compensation. Rotten flesh, or the flesh

¹ Ibid., 119—21; tr., 147—51.



of animals that had lost their heads, legs or bones, or which had expired suddenly, which had been killed outside the slaughter-house, was forbidden. To sell it meant a fine of twelve *panas*. The use of false balances must be compensated by paying eight times the difference.¹ It may be recalled that in the 3rd century B.C., Aśoka had discouraged the use of meat, severely interdicted all forms of cruelty to animals, and inculcated tenderness towards them.² Both Buddhism and Jainism threw their powerful influence on the side of vegetarianism. The ancient Indian code of humanitarianism towards animals has never been surpassed.

In the entire range of Indian economy, nothing is more important than agriculture, and the village round which it centres. Kautilya attacked the problem with all his characteristic thoroughness.

Village Economy.

It was assumed that if the maximum prosperity was to be attained, the agricultural population must be more or less evenly distributed. Emigration should be encouraged from congested areas to new sites or old ruins. In rarer cases, scarcity of population should be remedied by encouraging immigration. New villages were thus to be founded. Old or new, a village, as a rule, was not to exceed four square miles. Wherever possible, rivers or hills, caves or artificial structures, trees or forests, were to form the boundaries of villages. The population should range from a hundred to five hundred families. Each group of ten, two hundred, four hundred, and eight hundred villages, should be guarded by fortresses of varying strength.

Those who held the land were, as a rule, expected to cultivate it themselves. Those who did not, were permitted

¹ Ibid., 122-23; tr., 151-52.

² Rock Edicts of Aśoka.



in certain cases to employ labourers. But they ran the risk of forfeiting it. Uncultivated land was to be used for pasture. Lands which the state cleared of forests were to be given to cultivators for life. If the peasant promptly paid government dues, they were supplied with "grains, cattle, or money," on favourable terms to relieve their distress.¹ Priests and scholars were to be provided with freeholds. So, too, many government officers, physicians, veterinary surgeons, messengers and horse-trainers, were to be provided with land which, however, they could not sell or mortgage.² Crown

lands might be cultivated partly by slaves, prisoners and hired labourers, who, like their overseers, should be paid according to the work done. Here an adequate supply of bullocks, ploughs, and other necessities should be constantly maintained. In emergencies, the services of blacksmiths, carpenters, borers and rope-makers, snake-charmers and others, should be promptly requisitioned.

To serve as an aid to agriculture, a meteorological department was to be organised. In Kautalya, it develops a science of its own which, to the uninitiated, Meteorology. must have been frightening. Clouds, for example, fell into three broad species, which were further subdivided into three, eighty and sixty grades. An equally wonderful study of the weather determined the times of sowing, watering, harvesting, and so forth.³

Irrigation, which meteorology served or pretended to serve is one of the prime cares of the state, and is in the charge of a distinct department. Kautalya

Irrigation. mentions four methods of irrigation—drawing water by hand, carrying it on shoulders, or by some mechanical contrivance; or, still more dexterously, by raising it from

¹ Ibid., 116—18; tr., 142—46.

² Ibid.

³ Ibid., 116—18; tr., 142—46.



tanks and rivers. The charges were to be a fifth, a fourth, a third, and a fourth of the produce of the irrigated soil, respectively. There were canals, big and small, with bridges and embankments. Every big canal seems to have had smaller branches supervised by a staff of overseers. It is interesting to recall that in the 4th century B.C., Megasthenes noted that in the Mauryan empire, the officers were wont to measure the land as in Egypt, and inspect sluices by which water is distributed into the branch canals, so that every one may enjoy his fair share of the benefit.¹ All tanks were sacrosanct. He who cut the dam of a tank full of water, was to be drowned into it. To damage an empty tank or one in ruins, brought the highest and middle amercements, respectively. A fine of *panas* was inflicted for hindering the flow of water in a canal, or for letting it out otherwise than through the sluice gate.² The same desire to protect agricultural interests produced the rule that those who set fire to pasture lands, fields, yards prepared for threshing grains, or houses or forests should be consigned to the flames they had kindled.³ The clearance of forests

Clearing Forests
and Valleys.

and valleys was another means of encouraging agriculture. Some forests were reserved for timber, elephants and game. When they tended to harbour thieves and robbers, they should be reconnoitred by hunters and their hounds. They ought to communicate with one another by means of carrier-pigeons, or fire, or smoke. Unreserved woods were to be cleared as the need arose. Tracts unsuited for agriculture were to be put to some other use. Lakes and rest-houses, flower and

¹ Ibid., 47; tr., 53; 117, 305; tr. 144, 374. Megasthenes, Bk. I, Fragment I; Bk. III, Fragment XXXIV. Strabo, XV, 50. N. N. Law: *Studies in Ancient Hindu Polity*, pp. 11-14.

² *Arthasāstra*, 227; tr., 287.

³ Ibid., 228; tr., 288.



fruit-gardens, adorned many barren spots. All around roads were to be maintained in good repair and facilities provided for traffic. Everything possible should be done to counteract cattle-diseases.¹

But in spite of all that man could do, the rains might fail and famine stalk across the land. Kautilya rises equal to

Famine relief. the occasion. Half the yearly revenue in kind should be reserved for famine relief.

When the state granaries failed to suffice, the ordinary laws of property were to be promptly suspended. The Government could force the rich to yield up their hoards of grain, and levy heavy taxes on them. Relief should be sought from friendly states in the neighbourhood. Wheresoever water was available, grains, vegetables, roots and fruits should be intensively cultivated. Hunting and fishing should be resorted to on a grand scale. Seeds and provisions should be distributed to cultivators. Public works could provide occupation for the poor. When all else failed, the people of the famine-stricken area should be led to emigrate *en bloc* to the sea-shore, to the banks of rivers or lakes, or to any favoured spot where nature provided some vegetable or animal sustenance. Meanwhile, fervent prayers should go to the Higher Powers. The Mahākachchha who had once saved the earth from perishing, Indra, the mighty god of rain, the mountains which stored the precious element, the holy Ganges which distributed it broadcast,—all should be worshipped.²

Similar supernatural aid was to be invoked against pestilences which so often follow hard on the steps of

Pestilence. famine. Ascetics and saints should exert all the force of "auspicious and purificatory ceremonies." Whole nights were to be spent in

¹ Ibid., 140-141; tr., 176-177: 48-49; tr., 53-54.

² Ibid., 206-207; tr., 262-263.



devotion, and oblations to gods were to be offered with lavish generosity. In the course of a great rite called Mahākachchhavadhan, cows were milked on cremation or burial grounds, and the trunk of a corpse was burnt. But more rational means were not forgotten. The Government should organise bands of physicians to carry medicine to the people.¹ A similar union of reason

Floods.

and faith was witnessed when nature inundated the country with superabundant water. Rivers were to be worshipped at new and fullmoon. When they persisted in overflowing their banks, priests, mystics and magicians sought to cut off the supply of rain. Meanwhile, villagers on river banks should remove themselves further up, and provide themselves with wooden planks, bamboos and boats. If overtaken by the floods, they should be rescued by means of bottle-gourds, canoes, boats or trunks of trees. Those who possessed these instruments, and yet were too heartless or timid to rescue their fellow-men, were to be fined twelve *panas*.²

Permanent measures were necessary for the more frequent calamities—rats, tigers, serpents, demons, and, above all, fire. Everyday, and especially on

Other Calamities :

Fire.

fullmoon days, offerings, oblations, and prayers should be made to the sacred element. Villagers must provide themselves with all effective instruments against risks from fire such as tubs and pots filled with water, ladders, axes, winnowers, hooks, and leather bags. Or they must cook their food outside their homes.

Rats, occasionally a serious menace to agriculture, were to be destroyed by certain chemical mixtures, and by letting

¹ Ibid., 206 ; tr., 262.

² Ibid., 206 ; tr., 262.

³ Ibid., 205-6 ; tr., 261-62.



loose cats and mongooses. But, with that love of paradox in

Rats.

which over-wise people so often indulge, rats were to be worshipped on new and fullmoon days. Ascetics and priests performed auspicious ceremonies. In similar fashion was the danger from locusts,

Snakes.

birds, and insects to be warded off.¹ So, too, snakes could be destroyed wholesale.

Medical science was encouraged to find some antidote against snake-bite. The people also resorted to charms, incantations and ceremonies of all sorts against the danger. Snakes themselves were to be worshipped. Kantalya did

Snakes worshipped.

not inculcate the worship of tigers; but mountains were to be propitiated to keep them in safe custody. Ferocious beasts were even more numerous in those days than they are now. Bands of hunters, armed with various weapons, should patrol the forests with packs of hounds, and kill tigers in large numbers. Carcasses of cattle or calves, inoculated with juice of *madana* or *kodrava* plants, should be strewn about to give short shrift to the brutes. A reward of twelve *panas* was offered for a tiger's head.² It was the imperative duty of every one to rush to the rescue of a man in the clutches of a tiger. Those who lacked the heart or the courage to face the risk should be fined twelve *panas*. Similar measures should be adopted against other ferocious beasts, birds, and crocodiles.³

The means which were devised against earthly pests

Demons.

were not available for protection from demons. The people sought the aid of saints and ascetics, mystics, and magicians. All sorts of

¹ Ibid., 207; tr., 263.

² Ibid., 207; tr., 263.

³ Ibid., 207-208; tr., 264.



curious rites are mentioned by Kautalya. An umbrella or a flag, the picture of an arm or a piece of a goat's flesh, was to be hung in the verandahs to propitiate the Chaityas on the fullmoon.¹

Social helpfulness was inculcated as a positive duty not only in exceptional contingencies or calamities, but all through life. In many cases, those who did not come to the help of their fellows in ordinary times, were to be fined a hundred *panas*.² A similar spirit of humanity inspired another series of ordinances. Hurts from horned or tusked animals, if traced to any sort of negligence on the part of their owners, should be visited with the first, or double the first amercement. Desertion of a companion in a forest was to be punished with the middle, and, if joined to a threat, with the highest, amercement. Desertion in the course of a journey brought half the first amercement. In the case of these minute regulations, however, it is more than doubtful if they were ever enforced. Riding an animal dedicated to a god, such as a bull or an ox, or even a female calf, meant the high fine of five hundred *panas*. Those who drove away such animals earned the first amercement.³

Among the miscellaneous duties that Kautalya set before the state was the partial regulation of the begging and borrowing of corn.⁴ All cases where death by foul means was suspected, should be subjected to a rigorous *post-mortem* examination.⁵

¹ Ibid., 208 ; tr., 264.

² Ibid., 199 ; tr., 251.

³ Ibid., 203 ; tr., 294-95 : 199 ; tr., 251-52.

⁴ Ibid.

⁵ Ibid., 215-17 ; tr., 273-76.



It does not lie within the scope of this work to treat of civil and criminal law. But to illustrate Criminal Law.

Kautalya's treatment of the subject, a word may be said on the law of assault. The offence was divided into touching, striking, and hurting ; again, as due to carelessness, intoxication, or loss of senses ; and once again, as consisting of catching hold of a man by the legs, clothes, hands, hair, squeezing with the arms, thrusting, dragging, or sitting over the person or knocking him down. It was a crime to use witchcraft to harm others. A man who poisoned another, or a woman who murdered a man, should be drowned. The murder of a father, mother, son, brother, teacher, or ascetic, should be avenged by burning the head and skin of the murderer. To bite a limb of these persons was to lose one's own corresponding limb. In some cases, an insult to them was to be punished by the tongue being torn out. A woman who murdered her husband, preceptor or offspring, or poisoned a man, or cut off his joints, or set fire to another's property, should be torn by bulls. Torture was eliminated from the death sentence if the offender had employed none.¹

The code of Kautalya is disfigured by caste favouritism. The dignity of man as man is violated. To the several instances already cited may be added another. A Śādra lost the limb with which he assaulted a Brāhmaṇa but the reverse did not hold. The amount of fines and the severity of other punishments, were partly determined by considerations of rank.²

The activity of the government postulated a highly complex administrative machinery. Its centre was the king.

¹ Ibid., 195—97, 227-28 ; tr., 246—49 ; 287-88.

² Ibid., 195—97 ; tr., 246—49 : 200 ; tr., 252.



Kautalya expected him to direct the administration, to work with the energy of a giant, the regularity of a clock, and the patience of a slave. Probably on the basis of some concrete examples, Kautalya framed a time-table

Administrative Organisation.

which sheds a flood of light on the relations of the monarchy to daily governmental work. The day

His time-table and duties.

and the night were each divided into eight periods of equal length, *viz.*, $1\frac{1}{2}$ hours each. The king devoted four and a half hours to sleep, three to baths, meals, and private studies. Recreation was optional in another hour and a half, and a similar span was devoted to religious exercises. The remaining nine periods of $1\frac{1}{2}$ hours each, were devoted to the business of the state. The day opened with deliberation on defence and finance, followed by an examination of popular complaints. A review of the Revenue Department, and appointments to offices of state, led to correspondence with ministers and a scrutiny of the reports of the Secret Intelligence Department. Next, the elephant force, the cavalry and the armoury were to be inspected, and the military situation and plans examined with the Commander-in-Chief. The day closed with the evening prayer. As darkness descended, the king received the secret emissaries. Refreshed with a bath, supper and sleep, he began to think again of the day's work. Administrative plans were to be thought out, and spies were to be despatched in all directions. Blessed by his priests and teachers, the king should enter the Court. Here he was expected to be visible and accessible to all. Thus came the personal touch so essential to relieve the mechanical character of all bureaucratic administration. In the court he must dispose of all urgent business with the utmost expedition. He should attend personally to the affairs of religion and humanity. Gods and Brâhmanas had



the first claim on his attention. He should look after sacred places, and enquire into heresy. Whatever his religion, the sovereign was expected impartially and benevolently to relieve the helpless and the afflicted, the minors and the aged, and to redress the complaints of women. Another object, at once humanitarian and utilitarian, demanded his personal supervision—the safety of cattle. Lastly, in a chamber lighted by the sacred fire, he should receive physicians and ascetics, and in consultation with his high priest and teacher dispose of their affairs.

The king was allowed time for technical religious exercise, but Kautilya recognised that for him religion really consisted in secular duty. He need take no other vow, we are told, than to be ready and swift in action. If he discharged his kingly functions well, it was as good as the performance of religious sacrifices. If he paid equal attention to all his subjects, it was tantamount to the “offer of fee and oblations towards consecration.”¹

But there was no regular means to keep the monarch to this standard. It is doubtful if many kings conformed to the ideal which theorists laid down. Too

The Harem.

alluring are the temptations which high station holds out. For one thing, in place of a wife who might supply the inspiration that sustains men of action through fiery ordeals, a barbarous custom encumbered the Indian king with a monstrous harem. Kautilya must regulate it as he regulates everything else. On a site, as secure as possible, should stand a large building consisting of many compartments enclosed by a parapet and a moat, and provided with a single door. Inside, a few very old men and eunuchs excepted, all the guards, attendants and servants, were to be females—a few of them, prostitutes. The strictest watch should be kept over all coming and

¹ Ibid., 37–39; tr., 42–44.



going. The king's affections were not, perhaps, psychologically, could not be, constant. Life to many of the "queens" and concubines must have been dreary and hope-

less.¹ Polygamy produced an atmosphere

The King's
Safety.

of suspicion and conspiracy within the palace, which, coupled with political treason

abroad, led to an extraordinary system of watch and guard. Trusted Amazons should attend the king from room to room. Science exerted its utmost skill and laid down minute rules for the detection of poison.²

One of the most disastrous consequences of the palace brawls was to complicate the problem of the succession.

The Succession.

That has always formed the weakest spot in the monarchical institution. Election

had now disappeared. Primogeniture had

not been evolved. The king made some sort of selection from among his sons with the concurrence of his officers, nobles, and the people at large, and presented the heir-apparent to the state. Backstair intrigues, inevitable, perhaps, under any circumstances, but intensified by polygamy, often led to unworthy choice and fomented conspiracy, murder, and civil war. Many a prince showed signs of disaffection and had to be put under lock and key. Plots were hatched to secure his release. Or he himself managed to form a conspiracy to better his fortunes. If his plans were discovered, he rushed into exile. Once he flew into revolt, kingship knew no kinship. He might be slaughtered mercilessly like the meanest bondman.³ Real politics laid down with heartless ingenuity when and how far kings and princes could desert, deceive, and slaughter one another.

¹ Arthasāstra, 40—4; tr., 44—47.

² Ibid., 42—45; tr., 47—50.

³ Ibid., 32—37; tr., 37—42.



Statesmanship, however, did something to retrieve the situation. A rigorous course of drill and education was

The Prince's Education. prescribed to qualify the prince for his vocation. He should learn theology, philosophy, and literature under scholars, and

master the sciences of politics and administration under politicians and administrators. After a certain age, he should devote afternoons to history, and forenoons to military science which dealt with elephant forces, cavalry, chariots, and arms. Time was found for cultivating folklore, tradition, and what in those days was called 'the science of wealth.' No stone was left unturned to impart a sound liberal education to the princes. But it was felt that intellectual accomplishment was not half so urgent as moral discipline. Self-restraint was, above all, insisted on. All sorts of temptations are mentioned to stimulate moral control.¹

The installation of the heir-apparent was the occasion of solemn ceremony and riotous festivity. It was, however,

Installation. when the time came for him to mount the throne that rejoicing reached its height. He underwent all the rites that the Vedic age

Coronation. had originated and the intervening centuries had elaborated. Once more the sovereign swore to obey the popular will and to serve the popular cause.

But the oath was an empty formality, the gathering a mere pageant. The centre of gravity had finally shifted to

The Council. the King's Council, the lineal descendant of the institution which had arisen in the Vedic age, and which Vālmiki in the Epic Age glorified as the Council of Eight. The growing complexity of the social

¹ Ibid., 10-11 ; tr., 10-11.



organism, and the vast extension of state-activity, demanded ceaseless deliberation and raised the Council to the highest position in the state. In Kautalya, it consisted primarily of ministers, but other "wise men" were to be invited as the occasion required. The number varied in practice as in theory. Probably generalising from experience, Manu counselled twelve, Brihaspati sixteen, and Uśanas twelve. Their successor, Kautalya, only laid down that the Council should consist of as many members as the needs of the state rendered desirable. Roughly, the numerical strength varied from twelve to twenty. The Council was avowedly advisory. It had not much in common with modern parliamentary cabinets. But it is curious that in numbers it corresponded with the British Cabinet during the last century. The Council was generally presided over by the

Deliberation.

king. It discussed war and peace, defence and alliance, finance and pensions, and all other important affairs. One by one the members should express their opinion and debate freely. The final decision rested with the king alone, but he was expected generally to accept the view of the majority. Nothing was

Secrecy.

considered more important than to maintain secrecy about the proceedings of the Council. Deliberations were to be so carried on that "even birds cannot see them." Secret agents exhausted all human ingenuity in detecting any breach of faith. Those who disclosed the counsels should be torn to pieces. But no amount of precaution and no amount of terrorism could completely overcome the difficulty. So Kautalya recognises a kind of informal inner Council, consisting of three or four ministers whom the king should consult, especially

Inner Council.

in emergencies. Of course, the king could consult any ministers, individually or collectively, as he thought fit. In emergencies,



the king should take others besides ministers into his confidence and follow the course which the opinion of the majority approves.¹

Ministers.

The ministers were to be appointed from a sort of governing class, nobility of birth, office, and intellect, small in numbers. An excellent intellectual

Governing
class.

grounding, a high sense of duty, a blameless private life and a sound judgment, are laid down as their primary qualifications. A

Qualifications
of Ministers.

certain amount of popularity was wisely deemed an additional recommendation. There were those who, like Bhâradvâja, advised the king to select ministers from among his old fellow-students, but Viśâlākṣa demurred to it as ultimately destructive of royal prestige. Parâśara emphasised faithfulness as the first qualification, but Piśuna pointed out that capacity, intellectual and administrative, was the essential desideratum. Kaunapadanta held that high birth implied a grounding in traditional political wisdom, but Vâṭayâdhi explained that new men versed in the "Science of Politics" were safer. The son of Bâhudantî, however, decried theoretical knowledge, and insisted on birth and capacity. Kautilya recognised the force of all these arguments; but he himself held capacity to be the highest qualification. But he would bar foreigners from chief offices and confine them to natives of the soil.²

¹ Ibid., 13—29; tr., 14—33. Sanskrit literature records cases of kings who lost their dominion or life through the betrayal of counsels in dreams or by birds.

² Ibid., 13—16; tr., 14—17. Cf. the Mahâbhârata: "The person who achieves celebrity, who observes all restraints, who never feels jealous of others, who never does an evil act, who never through lust or fear, or covetousness or wrath, abandons righteousness, who is clever in the transaction of business, and who is possessed of wise and weighty speech, should be the foremost of ministers. Persons well-born, and possessed of good behaviour, who are liberal and never indulge in, brag, who are brave and respectable, learned and full of resources,



In the Arthasāstra the ministers are not bound to one another by corporate responsibility, but they all stand in subordination to the Chief Minister who recalls the Norman-Angevin Chancellor, the Turkish Grand Vizier, and more than anything else, the Vakil of the Indian Mughals. *Par excellence*, he was the sovereign's representative, the vicegerent of the empire. If the king was indifferent, lazy, or ill, the Chief Minister practically filled his place. Indian history records numerous instances of the usurpation of the royal dignity by over-mighty ministers.

Next to the Chief Minister stood the Commander-in-Chief who presided over the whole military and naval establishment. Then came the other great ministers, the Samāhartā, or the Collector-General of taxes, the Sannidhātā, or the Treasurer-General, the Chief Judge, the Storekeeper, and so on. Portfolios should be occasionally exchanged. Every minister should have a number of assistants, and control one or more departments officered by Superintendents. Other Ministers. Royal Writs. Secretaries. Royal Commands and decisions were to be drawn up by Lekhakas or secretaries in prescribed form and jargon, and duly transmitted to departments.¹

should be appointed subordinate ministers in charge of the different departments."

Sānti-parva, Sec. 80, Śloka's, 25—7. The sages mentioned in this connection, as elsewhere in Kautalya, figure in the Mahābhārata and can be identified with some well-known personages. Viśālākṣa is the god Śiva, author of the Vaiśālākṣa abridgment of Brahman's treatise. Piśuna is Nārada; Kauṇapadanta is Bhīṣma; the son of Bāhudantī is Indra; Bhāradwāja is probably Kaṇika (or Kaṇinka).

¹ For the writs, Arthasāstra, 70—75; tr., 80—85.

The precise grouping of the Departments is not stated. But from the general review of the activities of the state in Kautilya it is possible to form some idea of the work of the Departments of the Goldsmith, Storehouse, Commerce, Forest Produce, Weights and Measures, Departments. Toll, Weaving, Agriculture, Pasture-lands, Cows, Slaughter-houses, Ships, Passports, and Liquor. On the military side, the chief Departments were those devoted to the Armoury, Elephants, Horses, Chariots, and Infantry. A detailed study of the working and organisation of the Departments is best reserved for separate treatment. But by way of illustration a word may be said of a few of them.

The bureau of mines naturally fell into two sections, one concerned with the oceanic products, and the other with land mines, each run by experts.

Mines :

The former is charged with the collection of diamonds, pearls, corals, conch-shells, and precious stones. It also controlled salt which has almost always formed a government monopoly in India. Another branch of it regulated the commerce

(1) Oceanic.

of the articles which came under its purview. The superintendent of land mines presided over a huge technical staff. The prospectors should wander over the plains, slopes, and the mountains in search of ores of scores of metals. Kautilya treats minutely of their numerous properties, and innumerable indications of depth of colour, weight, smell, taste, greasiness, adhesiveness, and so forth.¹ A Brâhmaṇa, guilty of a heinous crime, might be deprived of his property or sent to the mines.² The ores were scientifically purified under

(2) Land.

¹ Arthasâstra, 81—86, tr., 94—100. N. N. Law, Studies in Ancient Hindu Polity, 5—9.

² Arthasâstra, 220 ; tr., 279. N. N. Law, Studies in Ancient Hindu Polity, 10—11.



another branch of the Department. Finally, they were transmitted for use to the Superintendent of gold, of inferior metals, of the armoury, and so on.¹

To take another illustration, the Department of Elephants served both civil and military purposes. The trapping of wild elephants had already been reduced to a science. A section of the Department was to train men and elephants to capture the wild beasts. Another section was to tame them, and train them for riding and military service. Stables outside the fort were to shelter the beasts that were refractory or still under training. Those inside the fort were to form the quarters of elephants that had completed their training. The stables were to be twice as high and half as wide as the length of the beasts. They should face north or east and should be provided with spacious corridors and smooth T-shaped tether posts. The sleeping places should be similar in structure but should have raised platforms for leaning upon. There should be separate apartments for female elephants. The beasts should be given fixed rations, and should be made to conform to a detailed time-table. Their whole upkeep necessitated a vast staff. It included, among others, drivers,² controllers,³ grooms,⁴ attendants,⁵ cooks,⁶ grass-suppliers,⁷ fellers,⁸ guards,⁹ night-watchers,¹⁰ trainers,¹¹ and physicians.¹² Messengers formed almost a department

¹ Arthasāstra, 85; tr., 100—102. N. N. Law, Ancient Hindu Polity.

² आरोहक

⁶ विधापाचक

¹⁰ उपशाधिक

³ आचोरण

⁷ शादसिक

¹¹ शनीकस्थ

⁴ हस्तिपक

⁸ पाद्याजिक

¹² चिकित्सक

⁵ औपचारिक

⁹ कुटीरदत्तक

For the whole department of elephants, N. N. Law, Studies in Ancient Hindu Polity, 58—67.



by themselves, and were divided into various grades.¹ Every department is provided with a large secretariat; the whole paraphernalia of a bureaucracy.

Besides state officials proper, there were a number of ecclesiastical and household officers. The Sacrificial Priest, the High Priest, and the Teacher, ranked among the highest personages of the realm. The door-keeper and superintendent of the harem were placed in the second grade. The fore-teller, the astrologer, the reader of omens, the reader of Purāṇas, the sacrificial priests, the retinue of the priest, the story-teller, and the bard, occupied the same position as the Superintendents of Departments. The sorcerer and, most curious of all, the honourable playmate of the king, came a little lower. The bodyguards and attendants stood much lower.

In Kautalya, there is no regular department of education. But learning is patronised by both regular and spasmodic stipends to teachers and scholars. Some of them draw emoluments ranging from five hundred to a thousand *panas* a year.² Many musicians receive two hundred and fifty *panas* a year.³

One of the most important of state departments was that of accounts. It should be located in a building called the Accountant's office, with a door facing the north or the east. Seats were to be duly arranged for the clerks, and shelves provided for the multitudes of account books. The office seems to have been divided into several sections pertaining to the various departments. A record should be kept of all financial dealings with friendly or hostile

¹ Arthaśāstra, 245—47, tr., 307—10.

² Ibid.

³ Ibid.



sovereigns, together with the treaties and ultimatums which determined them. Corporations or guilds were dealt with by a different section. So, too, provinces, villages, and families, whose customs, professions, and transactions were duly noted. Gems, precious stones, and other such things were registered with meticulous care—"the rate of their price, the rate of their barter, the counterweights used in weighing them, their number, their weight, and their cubical measure." But the most complicated of all branches of accounts was that relating to government factories. "The description of the work carried on, and of the results realised, in several manufactories; the amount of profit, loss, expenditure, delayed earnings, the amount of vyaji (premia in kind or cash) realised,—the status of government agency employed, the amount of wages paid, the number of free labourers engaged pertaining to the investment of capital of any work,"—all must be accurately given.

Tremendous, indeed, are the salaries which Kautilya prescribes for officers. The highest, 48,000 a year, is given to the preceptor, the High Priest, the teacher, the Chief Minister, the Commander-in-Chief, as also to the Queen, the Queen-mother, and the heir-apparent who, for the purpose, counted as officers of the first rank. The door-keeper, the Superintendent of the harem, the commander, the Collector-general, and the Chamberlain, receive 24,000 *panas* a year; the prince, his nurse, the Chief Constable, the city-officer, the Superintendent of Commerce, the Superintendent of Manufactories, members of the Council, Superintendents of country parts and boundaries, 12,000; chiefs of military corporations, chiefs of elephants, of horses, of chariots, of infantry and commissioners, 8,000; Superintendents of infantry, of cavalry, of chariots,



of elephants, guards of timber and elephant forests, 4,000; chariot-drivers, physicians, trainers of horses, carpenters, and rearers of animals 2,000; the foreteller, the reader of omens, the astrologer, the reader of purāṇas, the storyteller, the bard, the retinue of the priest, and all Superintendents of departments, 1,000; musicians, 250; trumpet-blowers twice as much; artisans and carpenters, 120; servants in charge of quadrupeds and bipeds, workmen doing miscellaneous work, attendants upon the royal person, bodyguards and procurer of free labourers, 60; honourable playmate of the king, the elephant-driver, the sorcerer, miners of mountains, all kinds of attendants, teachers and scholars—500 to 1,000; a messenger of middle quality, ten *panas* for travelling one yojana, and twice as much for travelling from ten to a hundred yojanas; the king's representative in the Râjasûya and other sacrifices, thrice as much as others; the charioteer of the king, 1,000; principal spies such as those who impersonated the fraudulent, the indifferent, the householder, the merchant, and the ascetic, 100; 'fiery' spies, such as those who served as village servants, poisoners, and those who impersonated mendicant women, 500; servants leading the spies, 250. The remuneration of the subordinate executive and ministerial posts was to be fixed departmentally. So far as possible, all transfers were to be avoided among the guard of royal buildings, forts, and country parts. Besides the regular salaries,

Bonuses.

the government servants expected bonuses from the king when they had to bear the expenses of child-birth, sickness or funerals. The wives and

Pensions.

sons of those who died on duty should receive pensions. So, too, the state should afford relief to the aged or infantine dependents of deceased

Promotion.

royal servants. Promotion depended on good record rather than on seniority.



Payment in kind.

When the treasury was short of money, payment should be made partly in cash and partly in kind.¹

The kingdom was divided into a number of provinces governed by Viceroy. Each province was partitioned into

Provinces.

circles of eight hundred, four hundred, two hundred, one hundred, and ten villages,

administered by officers in an hierarchy. The village con-

Districts.

tinued to form the unit of everyday administration, but Kautalya almost completely

ignores the village institutions. Probably, he preferred centralisation and was averse to granting

Village.

any authority to a village council or com-

mittee. The provincial and local officials are to be frequently transferred from place to place, or office to office, lest they should strike deep root into the soil. Their departments, like those at the centre, were to be adequately staffed by clerks, accountants, messengers, and so forth.²

Kautalya's remarks on the army deserve some notice. The military force was bound to cause some anxiety to the civil power. It was probably in order to

The Army.

maintain an effective control over it that

Kautalya seeks to break its homogeneity. Regiments of regular nationals rub shoulders with mercenaries. Troops of warriors' corporations are lined with bands of deserters from hostile territory, or with immigrants from friendly tracts. Lastly, come the recruits from the hardy wild tribes who then, as now, must have proved of immense value in mountain warfare. The chief army *corps* were split into divisions and sub-divisions with different flags and trumpets, drums and conch-shells.³

¹ Arthasāstra, 245—47; tr., 307—10.

For the Accounts Department, *Ibid.*, 62; tr., 69.

² Arthasāstra, 69-70; tr., 78—80.

³ Arthasāstra, 139-40; tr., 175-6.

The spirit of rigid organisation which marked the executive, pervaded the judicial administration as prescribed by

Justice.

Kautalya. Impartial justice was recognised to be the bedrock of sound govern-

ment. There were two grades of courts, called Dharm-

asthiya¹ and Kantakaśodhana.² The

Two Grades
of Courts.

former consisted of a bench of three judges well-grounded in law, who dealt with

contracts, relations between master and servant, employer

and employee, slavery, debts, deposits,

Scope of Dhar-
masthiya Courts.

rescissions of sales, resumption of gifts, sales of property by other than the

owner, rights of ownership, the sale of house property,

partnership, inheritance and succession; damage to agri-

culture, to pasture-lands or to public roads; boundary

disputes, gambling, defamation, violence and robbery; con-

jugal relations; rules of procedure, miscellaneous offences

and hindrances. The Kantakaśodhana

Scope of
Kantakaśo-
dhana Courts.

courts dealt with the protection of artisans and merchants, measures against national

calamities, "suppression of the wicked," detection of

criminals by ascetic spies, arrest of robbers on suspicion

or in the act, improper social intercourse, and miscel-

laneous offences. Breaches of discipline in the public

services came before them. The trial of homicide formed

one of their special prerogatives. They conducted *post-*

mortem examination, could inflict fines and mutilations, and

death with, or without, torture. Cross-

Sessions of
Courts.

examination formed the striking feature of their proceedings. The courts should hold

their sessions in the big towns at the headquarters of eight

¹ धर्मस्थीय

² कंटकशोधन



hundred villages, four hundred villages, and at the headquarters of village circuits. Below them came village tribunals. In certain important cities and at the boundaries of districts, justice should be administered by three ministers and three other judges well acquainted with sacred law. The whole judicial administration was presided over by the Chief Judge. Above him stood the King, assisted by his ministers and lawyers.¹

The law which these courts are told to administer is rather flexible, and not without a certain element of vagueness. It was an amalgam of sacred law, contractual relations created by the parties, custom and statutory law. In a conflict of the first two or the last two, the former prevailed over the latter. It is laid down that equity prevailed over the letter of the law.

The punishments for various offences have already been touched upon in the course of the analysis of state-activity. On the whole the Kautalyan Penal Code must be pronounced a stern one. Ordinary wounding is punished by the corresponding mutilation of the offender, in addition to the amputation of his hand. If the injured person happened to be an artisan devoted to the royal service, the penalty was death. The crime of giving false evidence was visited with mutilation of the extremities; and in certain unspecified cases, offences were punished by the shaving of the offender's hair, a penalty regarded as specially infamous. Injury to a sacred tree, evasion of the tithe on goods sold, and intrusion on the royal procession going to the hunt, all alike might be capitally punished.

¹ Arthaśāstra, pp. 147, 169, 171, 200 ; tr., 187—9, 214—15, 218, 252—3.

N. N. Law, *Studies in Ancient Hindu Polity*, 117—121.



As a case came up, a preliminary report of the facts was to be drawn up. The year, session, month, fortnight and day of the event should be noted. The

Procedure.

place of the occurrence and the exact nature of the complaint should be recorded. If it concerned a debt, the amount alleged was to be registered. The name, occupation, caste, clan, village and district of the plaintiff and the defendant were also to be taken down.

Both parties should give their statements, which the Court must closely scrutinise. If the defendant was not ready, he was given from three to seven

Statements.

nights to prepare his defence. If he failed, he was fined from three to twelve *panas*, but was allowed further time. If, however, no defence was forthcoming in three fortnights, or if the defence collapsed hopelessly, the amount in question, in a monetary case, was realised from the defendant's property unless he could arrange with the plaintiff for the substitution of some recognised good service for the realisation. As soon as the defendant had stated his case, the plaintiff should rejoin. If he could not, he must be punished. If he failed to substantiate a charge against a deceased person, he must perform some of his funeral rites. If a Brāhmaṇa, he might be commanded to perform the ceremonial called *Rakṣoghna-rakṣitam*. To make a statement wholly unsupported by evidence, was to bear the burden of another sacrifice called *Daśabandha*. "In cases other than strife, violent and direct seizure of property and disputes among merchants, the defendant could not file a counter-charge against the plaintiff. Two suits against a defendant for the same offence were not allowed."

Professional lawyers are not mentioned by Kautalya,

Witnesses.

but the importance of witnesses is fully realised. Not that the absence of witnesses implied the dismissal of a case. For instance, labourers



could sue their employers for non-payment of wages even if they could produce no witnesses. But, on the whole, the practice of evidence was so general that Kautilya formulates a regular code on the subject. Certain relations, such as a wife's brother or a helpmate, who could not be expected to tell the whole truth, were generally debarred from the witness-box. Nor were creditors or debtors, poisoners or dependents, enemies or convicts, to be called in. Certain busy people, the king, government servants, scholars and poor peasants, were exempted from the duty of bearing testimony, except, of course, where they were directly concerned. A similar privilege was extended to women, probably on account of their growing seclusion. Lepers, outcastes, and followers of mean avocations, were not considered worthy of bearing witness. But none of the exemptions and exclusions was pressed to the utter detriment of justice. In cases of rape, assault, theft, and so forth, all, except the wife's brother, helpmate, and the enemy, came as witnesses. Then there was the final proviso that except the king or ascetics, any man or woman presumed to possess secret knowledge of a transaction, could be cited before the Court. As the witnesses entered, they were sworn in before Brâhmanas, before vessels of water, and before fire, to speak the truth. A Kṣatriya or a Vaiśya should be solemnly informed, "Thou wilt not have fulfilment of thy ambition, and wilt have to go a-begging to thy enemies with a skull in hand for a begging-bowl (if thou shouldst speak falsehood)." A Śûdra should be given to understand that "all thy religious merit will go to the king, and all the sins of the king will come to thee (if thou shouldst utter a lie), and moreover, thou wilt be punished. Enquiry will be made as to what has been heard." The plaintiff, the defendant, and the witnesses all should be subjected to a

searching cross-examination, during which the judges were closely to observe their behaviour. Some of them broke down. For example, some shifted from point to point, and introduced irrelevant matter. Some recanted or contradicted themselves, or suddenly broke off. Others contradicted their own witnesses, endeavoured secretly to talk to them, or desired to consult a third party. All this was counted an offence and suitably dealt with. If witnesses perjured collusively for more than a week, they were fined twelve *panas*. If they persisted in this course for more than three fortnights, they had to pay the amount in question in a monetary case. If the conduct of the witnesses roused any serious suspicions, the Court held them to answer.¹ Witnesses receive sumptuary and travelling allowances, which in monetary cases are not to exceed one-eighth of the amount in question. These expenses are to be defrayed by the losing party. The multiplicity of witnesses tended to cause some suspicion. It was felt that much inconvenience would be avoided if it was possible to get three witnesses who were approved by both parties, or who were admittedly pure and trustworthy.²

Meanwhile, an army of secret agents was busy ascertaining all possible facts about the case, about the parties, and about the witnesses. On the basis of the proceedings of the Court, supplemented by secret intelligence, the judges ultimately pronounced the sentence. Punishments took the form of fines, imprisonment, lashes and death with or without torture.

¹ *Arthasāstra*, 149, 176; tr., 189, 224.

N. N. Law, *Studies in Ancient Hindu Polity*, 125—131.

² *Arthasāstra*, 149; tr., 190.

N. N. Law, *Studies in Ancient Hindu Polity*, 131.



If the judges were suspected of unfairness, they could be brought to book. If they threatened, rebuked, silenced

The Castigation of Judges.

or drove out a party, they received the first amercement. Abuse brought a double punishment. Wilful delays in justice, always so exasperating, were punished with the highest amercement. The repetition of a similar offence brought dismissal and a double fine into the bargain. If the judge inflicted an unduly heavy fine, he was condemned to pay eight times the excess. If he inflicted an unjust corporal punishment, he was condemned to the same suffering, or to the payment of double the monetary equivalent. False concoction on the part of a judge in a monetary case, was punished with a fine eight times the amount involved. We are not told who should try the judges, but probably it is intended that the function should devolve on the Chief Judge or the king with his ministers.

If the clerks of the court omitted or perverted statements, or rendered them ambiguous, or displayed negligence in their tasks, they were brought to book.

Clerks of the Court.

So too, the jail officers, who were guilty of inhumanity or remissness, felt the heavy hand of the law. If they let out the prisoners on trial, maltreated or tortured their wards, or received

Jail Officers.

bribes from them, or outraged their female wards, they were severely punished.¹

In these aspects of justice the secret service plays no insignificant part. In Kautalya, the secret intelligence

Secret Services.

department performed four important duties. Its agents noted all trends and shades of public opinion, and sent regular reports thereon—veritable “newspapers.” They toured

¹ Arthasāstra, 222—4 ; tr., 281—3. N. N. Law, *Studies in Ancient Hindu Polity*, 134-5.



in foreign lands, tried to fathom the intentions of 'friends' and the designs of enemies. As such they closely corresponded to spies in modern Europe. They tried to detect sedition and crime in the land, and thus approximated to the modern Criminal Intelligence Department of India. Lastly, they noted the doings of government servants of all ranks and reported to the highest authorities. Here they bear a partial resemblance to the *wâqiâh nawisas*, or news recorders of the Mughal Empire. The spies were to be drawn from both sexes and from all grades of society. 'Saints' and 'ascetics,' householders and warriors, scoundrels and prostitutes, Brâhmanas, and outcasts,—all found themselves in the same service. They should settle on farms, engage in trade, get into prisons or wander in all conceivable disguises from one end of the country to the other, and in regions far beyond. Or they could stoop lower, commit thefts, regale themselves with drink, or lure notable natives or foreigners alike with their lascivious charms. Their ingenuity and skill were taxed to the utmost when they undertook to discover the spies of foreign states in their native land.¹

Kautalya seems to have realised that the working of his huge governmental machine with its stupendous activity depended in no small measure on facilities of communication. He subjects roads and paths to a minute classification, adopting two bases of division—the destination and the kind of traffic borne. The *Râjamârگا*

or the king's highway, was thirty-two feet in width. Three such roads generally crossed a city from east to west, and three others from north to south. The *Rathyâ* or the

The King's
Highway.

¹ *Arthasâstra*, 18–22; tr., 19–25.

In the Mughal Empire news-recorders were regular officers as distinguished from secret spies, but the functions of the two overlapped. See Beni Prasad, *History of Jahângir*, pp. 115–116.



chariot-road, equal in breadth, was only slightly inferior in

other respects. So, too, the Râstrapatha,
Chariot-road. or the state-road. Pillars should be

erected at intervals of half a *kos*, or a little less than a
mile, to serve as mile-stones and sign-

posts. The paths "for animals," "for
State-road. asses and camels," "cart-tracks," "foot-paths," "pasture-

paths," "field-paths," "shop-paths," "temple-paths,"
"defile-paths," "cremation paths," smaller in dimensions
and generally unmetalled, should cover the whole country-
side. Routes of pilgrimage should be provided with groves.

All were required to aid, in person or
Their Con- money, in their construction. Some
struction. forced labour appears to be sanctioned.

The blocking of a path constitutes a grave offence to be
punished with a heavy fine.¹ Courtiers,

Blocking pun- wardens of the marches, herdsmen and
ished. workmen, even robbers—all were told not

to damage the paths or roads.

Equal in value and in importance to the roads were the
waterways. Indeed, before the railroad

Waterways. revolutionised the whole system of traffic,

they formed some of the greatest highways of the country.

They were deemed so essential to the community that Kau-
talya refused to leave the organisation of their use to the

unrestricted play of private enterprise.

In his system the riverbanks are studded
Controlled by with ferries, controlled by the state.

Boats, many of which are owned by the

Boats owned state and are let out on hire, ply in thou-
by the State. sands, on rivers and lakes, and often

¹ Arthasâstra, 30, 54, 298; tr., 34, 59, 367-8.

Ibid., 47; tr., 53.

Ibid., 48-9; tr., 53-4.

congregate in the vicinity of fortresses, Loads, "quadrupeds," camels, buffaloes, and carts, crossing the ferries, are to be taxed from one to seven *māṣas*. Individual persons could obtain a ferry-pass for one *māṣas*. Natives or foreigners, who tried to cross without a pass, or with forged passes, suffered the confiscation of their property, the highest or first amercement, or a fine of twelve *panas*. From the ferry-tax, however, there were some remarkable exceptions, Brāhmanas and ascetics, old or ailing persons, pregnant women, children, and royal messengers should be provided with free passes. Those who served the state, or supplied the community with the necessities of life, could also pass freely. How these nice distinctions are to be enforced we are not told, but if enforced at all, they would yield a considerable revenue.¹ Besides, a sort of ship-money is prescribed on villages on the sea-shore, or on the banks of rivers or lakes. Fishermen should pay one-sixth of the haul as licence-fee. The Superintendent should keep detailed accounts, and transmit the daily receipts to the treasury. On the other hand, if the passengers suffered accidents or losses owing to heavy loads, bad choice of weather or ferry, inadequacy of crew or lack of repair on the state barges, the government was bound to compensate them. All mishaps should be investigated.

A similar system obtained in regard to ships on the coastal and high seas. There should be government boats for fishing conch-shells, pearls, and, above all, for passenger and goods-traffic. Private boats which touched at harbours were to be taxed according to custom. The Superintendent was charged to show fatherly kindness to all weather-beaten vessels. The whole system of the regulation of water-traffic served another purpose.

¹ Arthasāstra, 294, 298; tr., 363, 367-8.

N. N. Law, Studies in Ancient Hindu Polity, 79-87.



All who were suspected of seditious designs, or other crimes and misdemeanours, or of flying from justice, could be promptly arrested.

With the aid of the means of communication, order was to be enforced throughout the kingdom. The teacher of

Order. Kautalya had laid down that on Order depended the progress of the world. Kau-

talya himself perceived the dangers of undue severity but, nevertheless, he proclaimed the sovereign importance of discipline. If the operation of the law

Emphasised by Kautalya. were suspended, he says, society would relapse into anarchy; the strong would

devour the weak as the fishes devoured each other in water; the entire social structure would collapse. The maintenance of order, then, even with harshness where necessary, was the first aim of all government. A minute code regulated the preservation of peace. Seditious conspiracy and revolt were two of the most serious offences recognised by the state, and punished with death or something worse.¹ All social and economic institutions, the family, the guild, the village, caste organisations,—were called upon to aid the state in its supreme task.

The splendours of the Court, the salaries of the officers and establishments, the army, and the multifarious activities

Revenue. of the state, necessitated a vast revenue.

The state itself is the biggest landowner and business-owner in the system of Kautalya. It ran ships and boats, conducted mining operations on sea and land, monopolised salt, and took the whole of the forest produce. But that did not suffice. It claimed a share in the income of every one else. It exacted a large tribute from the feudatories. It appropriated one-sixth of the produce of the land

¹ Arthasāstra, 126—8, 140-1; tr., 156—9, 176.

Arthasāstra, 9; tr., 9—10; 227, tr., 287.



with extra fees for irrigation. Nothing was manufactured, nothing was distributed, nothing was sold or consumed, but something poured into the coffers of the state. Not only human prosperity, but also human degradation, contributed to replenish the treasury. A heavy excise on drink, dice, and prostitution brought some revenue, while justice, in which heavy fines figure so frequently, brought more.

Kautalya is concerned primarily with the internal arrangements of a state, but the science of government which he had inherited flourished in the days of small states, and devoted an important chapter to inter-state relationships. He could not omit to reflect on the subject. Here, as elsewhere, political thought was based on historic and contemporary experience. Causes of war were always present. At the time of which we are speaking, a considerable part of the country was still covered with forests. The clearing of forests on the boundaries of two or more states often led to complications. The colonisation which followed, and which the state itself often undertook to organise, was another fruitful source of misunderstandings. Irrigation from the long rivers, which traversed more than one state, presented its own difficulties. Then there were all the petty insults, real or imaginary, to the honour and dignity of sovereigns. Frontiers themselves are a difficulty. The interpretation of treaties brings its own troubles. Mere aggression, which public usage had sanctioned in vain expectation of political unity, made confusion worse confounded.

It was noticed that a given state—call it A—tended to embroil itself with its adjacent neighbours, say, of the circle X. These, in their turn, were at daggers drawn with their adjacent neighbours, say, of the circle Y. It seems to follow that these last would be allies of the state A.

The Doctrine
of Mandala or
Circle of States.

Foreign Relations.



But as some members of Circles X and Y themselves adjoined one another, and were therefore likely foes, the general rule of political alliance and hostility was disturbed. On a balance of consideration, it appeared that some would be foes, some allies, others neutral, and yet others completely indifferent to A. If you imagine a third circle Z, a more delicate balance will have to be struck; and so forth. This doctrine of Mandala or circle of states has something in it as a rough indication of the course which diplomacy is likely to follow. It was patent that a state would come into conflict only with its neighbours. Non-adjacents would find it difficult to move their forces through foreign territory. But the ingenuity of scholars ran the doctrine to death. In their hands it was subjected to mathematical and mechanical treatment. It gave rise to jig-saw puzzles which strayed from reality as they advanced in ingenuity.

In inter-state relationships, diplomacy knew no morality. Neither unprovoked aggression, nor the violation of the neutrality of other states, caused any surprise. Spies and secret agents revelled in falsehood and immorality, and freely resorted to poison or to treachery. The justification for all this was sought in the imperative necessity of unifying the country. A strong power was expressly enjoined to embark on a career of conquest, subdue state after state, and stand forth as the one all-embracing sovereign.

But this was not always possible. States were therefore advised to make treaties and even conclude offensive and defensive alliances. They might also enter into alliances for furthering certain common interests. The plantation of a colony was a case in point. It required a good deal of effort and organisation, and gave rise to any amount of



inter-state feeling. It was but effected in concert. The construction of trade-routes across several states was another enterprise in which co-operation should be achieved through treaties. The reclamation of wild tribes was yet another such project. Joint action might also be profitable in building forts at strategic centres, working mines, and clearing forest. The school of real politics, however, never forgot that self-interest was the primary spring of diplomacy. A weak state, driven to extremities, might purchase peace by sacrifice of its honour, by consenting to furnish hostages, paying indemnity, or binding itself to military service. But under favourable circumstances it might violate the treaty imposed by force. There were ways and ways of such action. A hostage might be encouraged to escape in any one of innumerable ways. And so forth. The whole subject is treated with an inexhaustible wealth of detail, supposition and ingenuity. In the infinite complications of foreign affairs, envoys play a high rôle. Kautilya classifies them like everything else.

After a conquest had been effected, the suzerain should not attempt to bring the new acquisition into uniformity

Protectorates. with his original territory. Let him maintain the fallen dynasty on the throne.

Let him rescue the dependent princes from misfortunes, redress their grievances, treat them with honour and kindness, and even shower on them wealth and dignity. The suzerain should respect their family rights, their property rights. Nor should he depart from these maxims on the death of the vassal. The latter's son should be duly crowned. The people of the feudatory states should be disturbed as little as possible. Manners and customs corresponded to conveniences and should be respected by the suzerain. What was good for one place



might not be good for another. Such was the theory of the protectorates.¹

Taking a comprehensive view of all relations, internal and external, of a state, Hindu thinkers discovered seven elements which go to make up statehood

The Seven Elements of the State.

or sovereignty. This analysis is fully developed in the Arthasāstra thinkers who preceded Kautilya, to whom he constantly refers but whose dates cannot be precisely determined. They agree that the state consists of seven elements:—(1) The Swāmin or Lord, generally the king; (2) the Amātya or minister; (3) the Janapada or territory; (4) the Durga or fort; (5) Koṣa or treasury; (6) Danda or army; and (7) Mitra or ally. Henceforward, the doctrine of the seven elements becomes an axiom of Hindu political thought, and is the corner-stone of the theory of the state. Analysed into its various concepts, it is seen to embody a remarkable theory. The state must have a territorial basis. It must provide for adequate protection of its inhabitants, and must have a well-defined foreign policy. It must have a regular administrative system, and must carefully look to its finances. It must be presided over by a chief. Another

Another Category.

category treated of the three powers of the king—prestige, energy and good counsel; or as Kautilya puts it, army and treasury, valour and knowledge. But this line of thought ends quickly. It is the sevenfold category which forms the staple of speculation. The 'calamities,' or rather the perversions of the elements, form one of the subjects of prolonged debate. There were those who held that perversion of the monarch was the most serious of all; that of the

¹ Arthasāstra, Book VII, 261—319; tr., 327—339. Vātsāyana, in his Kāmasūtra (p. 282) adopts Kautilya's system of the classification of envoys for his love messengers.



minister next in disaster; and so on until the ally's misfortune was shown to be the least disastrous of all. The gradation of importance varied with different teachers.¹ Turning for a moment to the threefold category, Kautilya's teacher held that the king's energy was the most important of all factors in the state.

¹ One of the most frequent discussions in which Hindu Political writers indulge, is devoted to measuring the loss which accrues to society by the distress or perversion of the various elements of sovereignty. Kautilya's teacher declared that a distressed or perverted monarch was the most serious of all misfortunes. Next came the perversions of the minister, the people at large, forts, finance, the army, and the ally. Bharadvâj, however, held that the perversion of the minister was the heaviest of all calamities.

"Deliberations in council, the attainment of results as anticipated while deliberating in council, the accomplishment of works, the business of revenue-collection and its expenditure, recruiting the army, the driving out of the enemy and of wild tribes, the protection of the kingdom, taking remedial measures against calamities, the protection of the heir-apparent, and the installation of princes, constitute the duties of ministers. In the absence of ministers, the above works are ill done; and like a bird, deprived of its feathers, the king loses his activity and capacity. In such calamities, the intrigues of the enemy find a ready scope. In ministerial distress, the king's life itself comes into danger, for a minister is the mainstay of the security of the king's life.

"No, says Kautilya, it is verily the king who attends to the business of appointing ministers, priests and other servants, including the Superintendents of several departments, the application of remedies against the troubles of his peoples, and of his kingdom, and the adoption of progressive measures; when his ministers fall into troubles, he employs others; he is ever ready to bestow rewards on the worthy and inflict punishments on the wicked; when the king is well off, by his welfare and property he pleases the people; of what kind the king's character is, of the same kind will be the character of his people; for their progress or downfall, the people depend upon the king; the king is, as it were, the aggregate of the people.



In one respect, the Arthaśāstra Theory represents a great advance on the Vedas. The priest has practically dropped out. The state has outgrown the theocratic elements and established itself more or less on secular ground.

The state had reached maturity. The priestly government was dismissed. The state became a law unto itself,

Machiavellian- and emancipated itself from the restraints of morality as well. The existence of a

number of states side by side, and the frequency of war, lead, almost of necessity, to a decline in inter-state morality. Necessity knows no law; and reason of state becomes the overmastering principle of conduct. As in medieval Italy, so in Ancient India, diplomacy too often became synonymous with fraud; while unprovoked aggression ceased to excite public disapproval. The cancer spread to the internal affairs of the state, and politics acquired unpleasant associations which have never

"Viśālākṣa says that of the troubles of the minister and of the people, the troubles of the people are more serious; finance, army, raw products, free labour, carriage of things, and collection (of necessities) are all secured from the people, next to the king and his minister.

"No, says Kautilya, all activities proceed from the minister, activities such as the successful accomplishment of the works of the people, security of person and property from internal and external enemies, remedial measures against calamities, colonization and improvement of wild tracts of land, recruiting for the army, collection of revenue, and bestowal of favour." And so on. *Ibid.*, 110—113; tr., 135—140.

The lexicographer Amara Siṃha (II, 8, 17) also refers to seven Rājyāṅgāni or members of the state. In Kautilya as in his follower, Kāmandaka (VIII, 4, 20, 25), the term, prakṛiti, denotes not merely the elements proper of a state but also enemies. Chs. III and IV, Book V, of the Arthaśāstra give minute directions on the planning and construction of forts and buildings within.



disappeared. Behind it all lies an essentially low view of human nature. Almost at the beginning of creation, Manu had protested that the principal difficulty of government arose from human deceitfulness. Those who deemed man generally incapable of noble behaviour, prescribed force and fraud. Bharadvâj held that disaffected princes should be secretly punished. Vâtavyâdhi outraged decency and morality alike by counselling sensual indulgence as the sovereign remedy for keeping princes from sedition and revolt.¹

Such is the theory of the *Arthaśâstra*. It constitutes the most complete statement of Hindu ideas on government.

Kâmandaka. It exercised a deep influence on the thought of subsequent generations. Quo-

tations from Kautalya or references to him may be traced in numerous Brahmanic and Jain niti writers, poets and story-tellers. Nor were direct abridgments wanting. For instance, it was on Kautalya that a later writer, Kâmandaka, who flourished probably in the 8th century A.D., based his celebrated versified *Essence of Policy*. He rearranges the ideas of his master and here and there offers explanations of his own. He thinks that the seven elements of sovereignty are dependent on one another. The king, of course, is the most important of them all. In Kâmandaka, as in other Hindu writers, Râjan or Swâmin often conveys the sense of government or state. Not only economic prosperity but also morality, aye, the very life of the people, depends on the king. The king must protect the people. That is why the people pay him revenue. He dilates on secret as distinct from open punishment. Royal favourites who may grow too powerful and oppressive may be got rid of by poison, secret weapons, etc. Kâmandaka revels in the doctrine of Mandala when he treats of inter-state

¹ *Arthaśâstra*, 32-33; tr., 37-8.



relationships. He would permit unfairness in war when it may be necessary.¹

Brihaspati's Arthaśāstra

Kautalya occupies an unrivalled position in the Hindu literature on polity. But, besides his own admissions, Bārhaspatya Sanskrit literature makes it clear that he Sūtra. was only one of a class of writers whose compositions have for the most part disappeared. A few years ago, however, Dr. F. W. Thomas unearthed another Arthaśāstra or a fragment of it. It is in Sūtra form. It is ascribed to Brihaspati and therefore styled Bārhaspatya Sūtra. It is rather short, comprising only six brief chapters. It has not much in common with the Dharmaśāstra which is ascribed to Brihaspati. Nor can its authorship be assigned to the founder of the Chârvâka school of materialism who bore the same name but whom the Sūtra writer, after a

¹ A valuable commentary, called *Nayachandrikâ*, by Mâdhava Yajavâ (composed perhaps in the South) on some chapters of Kautalya relating to foreign policy, negotiations and war has been discovered and printed in the second volume of Jolly's edition.

For Kâmandaka, Nitisâra, XXII, 93; I, 21—60; II, 61—71; V, 37; I, 11, 14; XXXI, 54—68.

Kâmandaka starts by saying that his 'Essence' is extracted out of the doctrines of Viṣṇu-Gupta which was another designation of Kautalya (I, 2—7). In the Hindu scheme of authorities, the Smritis are always preferred to Arthaśāstras, but Kâmandaka more than once rejects Manu and the Mânava in favour of Kautalya.

Thanks to his style, Kâmandaka enjoyed considerable vogue, not only in India but also among the Indian emigrants to the island of Bali. See Dr. Frederick's Report on the Sanskrit Literature of Bali to the Batavian Society of Arts and Sciences. R. Mitra, M. N. Dutt and B. K. Sarkar hold that the work was taken to Bali in the 4th century A.D., but J. Jolly (Introduction to Kautaliya Arthaśāstra, pp. 6—8) is inclined to place the author in the 8th century A.D. Winternitz arrives at the same conclusion.



brief laudation, severely condemns. Nor again does it contain the passages which the Mahābhārata and Kautilya quote from the Arthasāstra writer who is called Brihaspati. For instance, Kautilya remarks that according to Brihaspati there were two sciences, Vārtā and Dandaniti.¹ The Bārhaspatya Sūtra, on the other hand, almost starts with the aphorism that Dandaniti is the only science for a king.² According to Kautilya, it is Uśanas who believed in such a doctrine. It may be that the Bārhaspatya Sūtra draws both upon Brihaspati and Uśanas. From its designation, indeed, it is only natural to conjecture that it was connected, howsoever remotely, with the ancient school of Brihaspati. But the author need not have followed his eponymous spiritual ancestor in every detail. It is impossible to carry the discussion further. For one thing, from its claim to comprise the whole substance of policy,³ it appears that the piece extant is very likely only a fragment or abridgment of a larger work. Its date is even more uncertain than that of Kautilya. It has been pointed out that if its references to Śaiva, Vaiṣṇava and Śākta sects and to the Yādavas of Devagiri are genuine, it must be held to be a very late work, not anterior to the 12th century A.D. But these references may be interpolations, for the language and style of the work point to an earlier age. It breathes the Arthasāstra atmosphere. Or it may be that it is a late abridgment of an earlier work. In any case its affinity to the Arthasāstra schools is clear and it is best treated of along with Kautilya.

¹ Kautilya, Ed. Shāmasastry, p. 6; tr., p. 6.

² Bārhaspatya Sūtra, Ed. Thomas, I, 3.

³ Bārhaspatya Sūtra. The work opens with remark that the Āchārya Brihaspati explains Nṛtisarvasva, the whole substance of policy, to Indra, who occupies a prominent place in the traditional history of Hindu political science.

Bṛihaspati exalts Daṇḍanīti or the science of government to the rank of the supreme and only science for those who are concerned with it. It is also very ancient, almost eternal. Unlike many other Hindu writers, Bṛihaspati believes that they in the Kṛita or Golden Age were versed in it.¹ It stands by itself and need not always be tied to the chariot wheels of religion. Bṛihaspati declares unequivocally that the precepts of religion are not to be followed if they are opposed to usage.² In a later aphorism he again remarks that what is at variance with custom is not to be practised.³ Where it is a matter of acquiring anything one should follow the Lokāyata system which stresses worldly gain and enjoyment.⁴ Elsewhere, indeed, the paths of the Lokāyatas, like those of Kṣapaṇakas and Buddhists, are condemned as fraught with fatal dangers.⁵ But the tone of the work, on the whole, is secular.

While religion is not essential, moral discipline is indispensable to political success. Self-control is the prime requisite in a king and his ministers.⁶ Knowledge is another necessary factor in governance. The world is rooted in riches; riches are rooted in knowledge; "knowledge is all."⁷ A third desideratum is unity of control. The king should keep his wives, relations, friends, counsellors and dependents in hand. All sorts of means may be employed for the purpose—conciliation, gifts, and diplomacy, that is, divide and rule.⁸ But a king is not to place too much

¹ Ibid., III, 141-142.

³ Ibid., V, 16.

² Ibid., I, 4.

⁴ Ibid., II, 5.

⁵ Ibid., III, 15. A little later Bṛihaspati remarks that Itihāsas (histories), Purāṇas, and Śākta, Vaikhāṇasa, Sāṅkhya and Śaiva Scriptures should be respected (III, 31-36) but these sūtras are probably apocryphal.

⁶ Ibid., I, 1, 2.

⁷ Ibid., I, 32-35; VI, 8-15.

⁸ Ibid., I, 46-48, 52; Bṛihaspati would like a king to marry a woman of high rank and of his own country (I, 51).

faith in others. He must constantly guard his person. Even a son, if he comes in the way of policy, is to be considered an enemy.¹ It is not wise to get familiar with heretics and men of low castes.² The utmost care should be exercised in the selection of ministers. They must be men of high character, free from the vices of gambling, drinking and sensuality as well as from recklessness. They must be acquainted with Śāstras. Young men should not be appointed to the delicate office of counsellor.³ When counsellors have once been chosen, their advice should be calmly listened to without ebullitions of anger. The king should initiate a measure and the counsellors should express their opinions one by one. Victory is rooted in counsel. A policy is to be executed only after it has been carefully examined by counsellors. In state enterprise it is desirable to secure as much co-operation as possible. The best line of action is that in which relations, friends, learned and thoughtful people all concur. The best policy is that which commands the ready unanimity of wise counsellors. The next best is that where unanimity is arrived at after a good deal of difference. The worst case is that in which the consultation room is the scene of reproaches, broils and tears.⁴ State officers should receive their due need of respect. Village headmen and city-officers alike should be honoured.⁵

Brihaspati sums up the duties of the king—which include the functions of the state—in a few pregnant aphorisms. The king must look after the frontiers and the sea-shore, that is to say, he must provide for adequate military and

¹ Ibid., I, 93; II, 50.

² Ibid., I, 75, 83-84.

³ Ibid., I, 58; II, 51-52.

⁴ Ibid., II, 54; III, 27; IV, 27, 30, 34, 36-44; VI, 4.

⁵ Ibid., III, 40-41.



naval defence. Order must be strictly enforced. It is by the administration of punishment that "the holy sun is king," and gods and mortals are sustained. The order of the four castes must be protected. Resting houses should be provided for the convenience of travellers. Temples and schools, tanks and fields should be looked after, that is to say, the interests of religion, education and agricultur^e should be attended to. Festivals are to be encouraged. Liquor shops and the houses of harlots claim the attention of the state. Perhaps Brihaspati, like Kautilya, would like the state to check and regulate the human vices. When the same cryptic aphorism refers to shops, it is reasonable to infer that Brihaspati would not leave the economic life of the community to itself. There should be no oppression anywhere either in towns or in villages. Protection extends to all, but Brâhmanas, as usual, claim some exceptional privileges. They are exempt from capital punishment. All learning must be encouraged, but learned Brâhmanas are to be specially honoured.¹

Such are the ideas of Brihaspati on Government. Arthasâstra thinkers, like him and Kautilya, base their systems, not primarily on the scriptures but on reason and expediency. They acquired considerable influence and almost challenged the supremacy of the Dharma-sâstras. At any rate, more than one orthodox writer felt it necessary to lay down that if an Arthasâstra doctrine conflicted with Dharma-sâstras, the latter must prevail. Nârada would like the two to be reconciled, but if that be impossible, the Arthasâstra must be abandoned and the Dharma-sâstra followed.² Yâjñavalkya emphatically declares the Dharma-

¹ Ibid., III, 18, 26-27, 38, 49, 53-55, 76-78.

² Nârada, I, 37-39.



sāstra to be more "powerful" than the Arthasāstra.¹ The Bhaviṣya Purāṇa bars the authority of the Arthasāstra when it is opposed to the Dharmaśāstra. It will appear that orthodoxy prevailed in the long run. That is what partly accounts for the loss of Arthasāstra literature. But a good deal of its subject-matter was incorporated into orthodox schools. This process had commenced as early as the age of the Mahābhārata. The epic weaves Arthasāstra doctrines into its own political system which has so much in common with that of Manu, the prince of Dharmaśāstra writers. The other Dharmaśāstras clearly draw upon Arthasāstras in their treatment of political topics. The great literary writers like Kālidāsa, Bhāravi, Māgha and Daṇḍin reproduce Arthasāstra precepts. Story books like the Pañchatantra, Hitopadeśa and Kathāsaritsāgara sometimes reflect the spirit and atmosphere of Arthasāstras. Thus, a good deal of Arthasāstra doctrine was co-ordinated with the rest of Hindu governmental theory and became part and parcel of current political thought for centuries to come. Abul Fazl's review of Hindu Rājantī or statecraft in his Āin-i-Akbarī may be believed to reflect the notions of Hindus on government in the sixteenth century. It is more of Arthasāstra than of Dharmaśāstra. The qualifications of counsellors or ministers recall Kantalya. The doctrine of Mandala is mentioned in a less exaggerated form. The king "should consider a prince whose territories are continuous with his own, as his enemy though he be profuse in demonstrations of friendship. With one whose country is situated next beyond, he should form an alliance. With a third more remote, he should avoid all intercourse - whether hostile or friendly."²

¹ Yājñavalkya, II, 21.

² Abul Fazl's Āin-i-Akbarī, tr. Jarrett, III, 259-261.

CHAPTER VI.

The Dharma Sûtras, Dharma Sâstras and Commentators.

Both Manu and Kautalya are, in their present shape, posterior to the commencement of the Christian era, but they

are the best representatives extant of the
 The Dharma Sûtras: two dominant types of political thought
 which had arisen several centuries before.

Both have preserved strata of earlier thought. The science of Dharma and the science of Artha had a good deal in common and, in strict theory, supplemented each other and formed a full series with the sciences of Kâma (desire and enjoyment) and Mokṣa (salvation). Thus was exhausted the fourfold object of human existence. But each of the sciences branched off from the parent stem and expanded in its own manner. Dharma and Artha often come together and, for instance, coalesce into a single system in the Mahâbhârata. But for a long while each retained its identity. The earliest literature of either was in Sûtra or aphoristic form, the very acme of brevity. The evidence of literature leaves no doubt that there existed once a Mânavadharma Sûtra, but it is lost. Perhaps, it was wholly incorporated in the Smṛiti of Manu. The Dharma Sûtras which have survived are, in theory, related to Śrauta Sûtras and Grihya Sûtras of the respective schools. In ancient India all learning was cultivated in schools and the results arrived at were given, generally, the stamp of schools which, in their turn, were attached to various Vedic sects. Such schools arose all over the country at different ages and differed from one another in details. The Dharma Sûtras of Gautama, Baudhâya, Āpastamba and Vasiṣṭha are not identical in every



precept. A Kalpa Sūtra should include Śrauta, Grihya and Dharma Sūtras, but soon they all become independent. Their fundamental object, however, was the same—the regulation of human life. The Śrauta Sūtras lay down the intricate details of Vedic sacrifices and ceremonies on the authority of the Brāhmaṇas. They are merely systems of Vedic ritual, but they were of the highest importance to the true Ārya. The Grihya Sūtras cover the whole field of home life and treat exhaustively of the ritual which played an important part in it. Their scope, however, seldom extends beyond the household and they are of little use to the student of Governmental theory. The Dharma Sūtras treat of private and associated life together. They mention domestic ritual and stress its importance, but they pass on quickly to speak of social custom, law and government. Sūtras in general, fall between the seventh and second centuries before Christ but the dates of the Dharma Sūtras cannot be precisely determined. Bühler placed them between the sixth and third centuries B.C. and arrived at a chronological order—Gautama, Baudhāyana, Vaśiṣṭha and Āpastamba. Jolly assigns the sixth or fifth century B.C. to Gautama and Baudhāyana and the fifth or fourth century to Vaśiṣṭha and Āpastamba. Jayaswal would ascribe the first forms of the Sūtras to about 500 B.C., but in their present form he would place Gautama at 350 B.C., Baudhāyana at 240 B.C., and Vaśiṣṭha at 100 B.C. Hopkins thinks that “probably the Grihyas represent the earlier Sūtras; the Dharmas as a whole come later, perhaps 300 B.C. would represent the earliest.” Āpastamba, he concludes, “probably is not older than the second century B.C.” Hopkins regards Vaśiṣṭha as even later. Not even the lowest date is, however, always a safe guide in discussing the subject-matter of Sūtras. Their texts have been constantly tampered with. It appears that attempts were made to bring them into line



with the later Dharma Śāstras. The oldest of all Dharma Śāstras, those of Gautama, are even known as a Dharma Śāstra. If the canon of historical criticism be rigidly applied, all that is possible to say is that the Dharma Śūtras, on the whole, represent an earlier stage of political and legal thought than the Dharma Śāstras. It will be a mistake to compare either the Dharma Śūtras or the Dharma Śāstras, as Sir William Jones compared Manu, to the institutes of Justinian. The Hindu texts cover far more than law and do not cover the whole of law. They are manuals of conduct, but they leave large tracts to custom. These circumstances explain their failure to create a real science of law. They embody no real system of jurisprudence. They expressly recognise the force of family, caste and local usage. The Dharma Śūtras and Śāstras, whatever weight might have been attached to them, could not be placed on any statute book. They grew up in the schools of those who were not only priests but also had a practical monopoly of the higher learning and were the repositories of legal lore. The exigencies of their composition and the dominance of caste explain the extraordinary "benefit of clergy" which they claim. This also explains one striking feature of the Śūtras as well as Śāstras—the system of penances. They view this life not as a whole in itself but as part of the life in past and future births. The sins committed by a person have to be expiated either here or in the long series of existences to come. Expiation may take the form of penances here. So for many actions two classes of punishments are given, or rather, a punishment to be inflicted by the secular power and a penance to be performed by the sinner voluntarily or forced on him by those who wish him well. The 'sanctions,' to use a modern term, are both civil and spiritual. It is sometimes difficult to say to which class a writer attaches greater importance. Gautama, for instance, lends colour



to the hypothesis that a system of penances, voluntary and enforced, was the earliest Hindu way of promoting virtue and punishing sin, and that justice in the modern sense of the word was introduced only later.¹ Unfortunately, neither the Sûtras nor the Smritis throw much light on the origin of law and institutions; but it is safe to conclude that the former represent an earlier stage of development. Sir Henry Maine supposed that rules of conduct were first worked out by priestly lawyers who later addressed themselves to the kingly power to have them enforced. The little that we know of legal and administrative evolution in ancient India does not support Maine's hypothesis.² The civil and spiritual jurisdictions seem to have run concurrently, though the former was constantly expanding in scope.

Gautama, probably the earliest of the Sûtra writers, begins by declaring that the source of the sacred law lies in the Veda and in the tradition and practice of those who know the Veda.

But the violence and transgressions observable in the conduct of great men in the past are not to be followed, for now people had grown weaker.³ Gautama accepts the traditional Varnâśrama system—the four castes and the four stages of life—and wants it to be enforced by the king. But he allows wide relaxation of the rules in "distress," that is, in emergency. Then Brâhmanas may study under non-Brâhmanas, and may follow the occupations of Kṣatriyas and, failing that, of Vaiśyas, though he should abstain from dealing in a number of articles like perfumes, prepared food, roots, flowers, meat, etc., etc. But in dire emergency even these restrictions do not hold.

¹ Gautama, Chs. XIX—XXVIII are devoted to penances.

² Sir Henry Maine, *Early Law and Custom*, pp. 43-44.

³ Gautama, I, 1-3.



Gautama himself would not like a Brāhmaṇa to follow Śūdra occupations under any circumstances, but he admits that some had permitted even this when life was in danger.¹ In self-defence a Brāhmaṇa may always use arms.² It goes without saying that in emergencies, a Kṣatriya may follow Vaiśya occupations.³ Later Gautama permits Brāhmaṇas to adopt agriculture, trade and usury, provided they do not work themselves.⁴

Gautama, however, is deeply concerned to maintain the supremacy of Dvijas and to keep Śūdras in the lowest position. If a Śūdra hears, recites or remembers Vedic texts, he must be visited with terrible tortures. If in conversation or on the road, in sitting or in lying down, he assumes a position equal to that of the twice-born, he must be punished.⁵

From his account of the duties of the king and the sources of revenue, Gautama seems to refer to extremely small states. He pictures the king seated on a "higher seat," honoured by Brāhmaṇas, and "worshipped" by others who occupy lower places.⁶ The king must learn the management of chariots and the use of the bow and stand firm in battle. He must not only protect all "created beings" and inflict lawful punishments but also support needy students, Brāhmaṇa Śrotriyas, all who are unable to work and all who are free from taxes.⁷ He must lead truants from duty back to the right path. He must be impartial towards his subjects and promote the interests of all.⁸

¹ Ibid., VII, 1-24.

² Ibid., VII, 25.

³ Ibid., VII, 26.

⁴ Ibid., X, 5-6.

⁵ Ibid., XII, 4-7.

⁶ Ibid., XI, 7-8.

⁷ Ibid., X, 7-12.

⁸ Ibid., XI, 5-6.



According to Gautama, the land tax should be one-sixth, one-eighth or one-tenth of the produce, while five per cent. is to be charged on merchandise, two per cent. on cattle and gold and somewhat less than two per cent. on meat, honey, fruits, flowers, medicinal herbs, firewoods, grass and roots. Every artizan should contribute a day's labour in the month to the state.

Particular attention should be paid to the collection of taxes. Of the spoils of war, chariots, riding animals, and a preferential share of the rest (except in cases of single combat) go to the king.¹

The spiritual life, the moral order of the world and the existence of all beings, depend on the king and "a Brâhmaṇa versed in the Vedas," including worldly knowledge and power of argumentation.² Brâhmaṇas who are versed in sacred lore and base their conduct on it should be exempted by the king from corporal punishment, imprisonment, fines, exile, censure and disgrace.³ Kṣatriyas prosper when they are assisted by Brâhmaṇas. A king must have a well-born, handsome, eloquent, virtuous and austere Brâhmaṇa as a domestic priest to assist him in the discharge of his religious duties. Brâhmaṇas, as a class, occupy a transcendent position. For instance, the king is once declared to be "master of all with the exception of Brâhmaṇas."⁴ Caste privilege vitiates the whole of criminal law in Gautama as in other Hindu writers. For instance, a Brâhmaṇa abusing a Kṣatriya has to pay fifty Kârṣâpanas, abusing a Vaiśya he pays half the amount but he may abuse a Śâdra with perfect immunity.⁵ It need hardly be added that Gautama lays

¹ Ibid., X, 24—29, 20—23.

² Ibid., VIII, 1—5.

³ Ibid., VIII, 7—13.

⁴ Ibid., XI, 14, 12—13, 1.

⁵ Ibid., XII, 11—13.



down numerous rules of civil law.¹ In judicial administration, he insists on the importance of witnesses and by heaven and hell exhorts all to speak the truth in court except when it may cost the life of a good man.² In his scheme of sanctions for morality, Gautama seems to rely primarily on penances, voluntary or enforced, and devotes but a small space to royal chastisement.

Of all the legal writers Baudhâyana is in many respects the most interesting to the student of governmental theory.

Baudhâyana. He preserves a record of the old theory of wergild cast in a very oligarchic mould. For slaying a Kṣatriya, one should give the king a thousand cows besides a bull in expiation of his sin; for slaying a Vaiśya, a hundred cows and a bull, for slaying a Śûdra, ten cows and a bull. Then one is astounded to learn that the fine for killing a flamingo, a peacock, a crow, an owl, a frog, a musk-rat, a dog, etc., etc., is the same as for killing a Śûdra.³

Baudhâyana begins by specifying three sources of law—the Vedas, Smṛitis or tradition and the practice of the Śiṣṭas. Śiṣṭas are those who are free from envy, pride, arrogance, greed, hypocrisy, anger and perplexity and are content "with a store of grain sufficient for ten days." They must be versed in Vedas and auxiliary studies. They must be able to draw inferences therefrom and must be "able to adduce proofs perceptible by the senses from the revealed texts." Failing the Śiṣṭas, points of law are to be decided by an assembly of ten, comprising four scholars, each master of one of the four Vedas, a Mimâṃsaka, a scholar acquainted with the Aṅgas, a reciter of the sacred law, and three Brâhmanas belonging to three different orders. If such an assembly cannot be got together, the points may be

¹ Ibid., Ch. XII.

² Ibid., Ch. XIII. For exceptions, 24-25.

³ Baudhâyana, I, 10, 19, 1-6.

submitted to five, three or a single blameless man, but not to a thousand fools. A little later, however, he adds that narrow and difficult is the path of the sacred law, that many gates lead to it and a doubt can never be resolved by a single person "however learned he may be."¹ Thus Baudhâyana imparts the force of law to the best opinion and practice of the age. Customs and opinions vary in different regions and must be locally respected.² Baudhâyana accepts the traditional scheme of castes and their duties remarking that Brahman placed its majesty in the Brâhmaṇas. In several respects, he represents the ultra-orthodox school of Hindu social thought. Brâhmaṇas are exempted from corporal punishment and caste privilege enters at numberless points in the administration of justice. But the term Brâhmaṇa is to be interpreted rather strictly. Brâhmaṇas who tend cattle, practise agriculture or who live as artizans, actors, servants or usurers should be treated as Śâdras. Usury is exceptionally reprehensible. In Brahman's balance, it outweighed the crime of killing a Brâhmaṇa. Almost in the same breath, however, Baudhâyana permits Brâhmaṇas and Kṣatriyas to lend money to misers, atheists, scoundrels and those who neglect sacred duties. So, it is sinful to charge interest from good people only.³ He declares that the king must protect his subjects, receiving as his pay a sixth

¹ Baudhâyana, I, 1, 1, 1—10, 12.

² Ibid., I, 1, 2, 1—9.

³ Ibid., I, 10, 18, 2—6, 18—20; I, 10, 19, 1—5; I, 5, 10, 23-24, 25; II, 6, 11, 12—16.

For the duties of castes, I, 10, 18.

Like Vasiṣṭha, Baudhâyana also declares that a Brâhmaṇa's property is the worst poison, destroying its taker with all his sons and grandsons (I, 5, 11, 15-16). Baudhâyana holds the arts and crafts in contempt. He prescribes penances for following the professions of medicine, singing, dancing, acting, tending cows and buffaloes, etc. (II, 1, 2, 13).



part of their incomes. He prescribes a ten per cent. duty on goods imported by sea, "after deducting a choice article."

The duties on all marketable goods are to be fixed according to their intrinsic value but traders should never be oppressed.¹ In all this there is nothing new. Baudhâya is slightly more enlightening when he deals with inter-state morality. According to him all is not fair in war. No king should ever use barbed or poisoned weapons. Nor should he strike women, infants, old men, Brâhmanas, those who are insane, intoxicated, terrified or who have lost their armour. From this humanitarian rule, however, assassins are excepted.²

Āpastamba does not admit any absolute finality in law or morality. Their character depends on the age and circumstances. Ancient sages had committed

Āpastamba. violence and transgression of the present law but they had incurred no sin. None could, however, follow them with impunity at the present moment. Āpastamba is anxious to lay down that in a state no one should suffer from hunger, sickness, cold or heat. A king should bestow gifts of land and money on Brâhmanas.³ The state may provide gambling halls for "pure and truthful" members of the first three castes—a statement which seems to imply that gambling was not considered a vice in the age of Āpastamba. The public services should be recruited from the first three castes. A village officer must protect the country within a radius of one kos (nearly two miles) of

¹ Ibid., I, 10, 18, 1, 14-15.

² Ibid., I, 1, 10, 18, 10-13.

³ Āpastamba, II, 10, 25, 11; II, 10, 26, 1; II, 6, 13, 8-9.

Āpastamba probably belonged to the south. Bühler placed his date between the third and fifth century B. C. but later scholars bring him down to the second or first century B. C.

his village. If he cannot recover any stolen property, he must be made to compensate the owner from his own pocket. Among those exempted from taxation are Brāhmaṇas, all women, minors, students, ascetics, the blind, the dumb, the deaf, and diseased and Śūdras, who live by washing the feet of others. That is to say, indigence is below taxation and scholarship and sanctity are above it.¹ On failure of all heirs property escheated to the king. Āpastamba would allow Brāhmaṇas, only in times of distress, to trade, and that only in certain commodities. They should give up the occupation as soon as their distress is over. A Brāhmaṇa should not handle a weapon even to inspect it. The supremacy of Brāhmaṇas is unquestioned. Even a king must give the way to them.

For the rest, Āpastamba is in line with the other law-givers. It may be mentioned that from internal evidence he is believed to have belonged to the Āndhra country in the south. His general agreement with other Hindu writers shows that the broad principles of law and organisation were the same in North and South India.

Vaśiṣṭha generally accepts the received ideas on the social order and government; only here and there he adds something of his own. In the absence of Vaśiṣṭha. revealed texts, the laws of castes, countries and families are to be followed. Vaśiṣṭha offers the usual explanation of caste. He admits that the bearing of arms is

¹ Āpastamba, II, 10, 26, 4, 6—8; 10—17; I, 6, 19, 10—12; I, 7, 21, 4; I, 10, 29, 6. Āpastamba declares that men of all castes, if they only fulfil the duties assigned to them, enjoy the highest everlasting bliss in heaven. II, 1, 2, 2.

For giving the way to Brāhmaṇas—II, 4, 10, 5-6.

For escheat—II, 6, 14, 5.

For inheritance in general—II, 6, 14, 1—13.

Āpastamba expressly declares that men of the first three castes should superintend villages and towns (II, 10, 26, 4). Āpastamba would like the king to support and protect women who had been cruelly wronged by wicked men (II, 10, 26, 22—24). For the provision of gambling halls—II, 10, 25.



the constant duty of Kṣatriyas alone but he allows Brāhmaṇas and Vaiśyas to resort to force in self-defence and in order to prevent a confusion of castes. He forbids both Brāhmaṇas and Kṣatriyas to practise usury.¹ His principles and methods of taxation are the same as those of Manu and others but he gives a long list of exemptions. Not only Śrotriyas or Vedic scholars but all students, very old men, royal servants and children are free from taxes. So, too, unmarried women, wives of servants and widows who return to their parental homes. No taxes should be levied on the use of rivers, dry grass, forests, mountains and places of cumbustion.² In the next clause, however, we are told that those who draw their sustenance from these sources may pay something. Artizans are to be taxed monthly.³ The property of a Brāhmaṇa should never be taken. It is the deadliest poison. It destroys him who takes it with all his descendants. Again, no guilt ever attaches to a Brāhmaṇa who possesses learning, practises austerities and repeats the sacred texts. Vasiṣṭha provides that the property of eunuchs and lunatics should escheat to the king.⁴ On social law, justice, warfare, diplomacy and other matters Vasiṣṭha follows the traditional line. He allows a man to follow the occupation of the next inferior caste in times of need but does not permit the adoption of a higher vocation under any circumstances.⁵

The Dharma Śāstras

There can be no doubt that a good many Dharma Sūtras have been lost but their contents are imbedded in the

¹ Vasiṣṭha, III, 24-25; I, 17; IV, 2; II, 40.

² Ibid., XIX, 2.

³ Ibid., XIX, 23-28.

⁴ Ibid., XIX, 35-36; XVII, 85-86; XXVI, 18.

⁵ Ibid., II, 22-23.

Dharma Śāstras which were composed after the Christian era. The Sūtras glide insensibly into Śāstras. Manu probably marks the transition. Viṣṇu, though in Sūtra style, must be regarded in his present form as posterior to Manu. The Smṛitis, as the Dharma Śāstras are generally called, are distinct from Śruti or Revelation, but they claim to be grounded in Vedic Dharma. In his Jaiminiya Nyāyamâlāvistara, Mādhavāchārya declares that Smṛitis are digests collecting and epitomising ordinances which lie scattered in the Vedas. As a matter of fact, however, the Smṛitis reflect the ideal or positive morality of the ages following the Dharma Sūtras. They develop at great length the civil law which the Sūtras had only touched.

They often differ from one another and from Revelation. Later writers were at pains to avoid confusion. The Pūrva Mimāṃsa declares that of two contradictory Smṛiti texts, the one supported by a Śruti (Vedic) text shall prevail. But it was argued by some that the other text might accord with a Śruti text which has disappeared. The Pūrva Mimāṃsa replies that a known Śruti text takes precedence of one unknown. It goes further and lays down that a Smṛiti text, though uncontradicted by Śruti, is liable to be rejected if it can be traced to an unworthy motive.¹ On the other hand, in his Mimāṃsa Sūtras, Jaimini denies to local usage any authority as a source of law independently of Śruti and Smṛiti. A similar opinion is expressed by Mādhavāchārya in his Jaiminiya Nyāyamâlāvistara, though in his Vyavahāra Khaṇḍa he comes round to the view of Nārada, Kātyāyana and others. The Skanda Purāṇa, however, expressly admits that where the Vedas and Smṛitis are silent, the Dharmas should be ascertained by observation of the customs of families and countries. Commenting on Manu,

¹ Pūrva Mimāṃsā, Ch. I, Part III, 3-4. The Mimāṃsā rules, though relating primarily to ritual, have been extended to law; and form a recognised canon of interpretation. The subject is reduced to what is called a Darśana or system of philosophy.



Medhâtithi remarks that Âchâra, as understood in Smritis, meant Śiṣṭa practices uncontradicted by Śruti or Smṛiti. Vijñāneśwara, the commentator of Yājñavalkya, goes further and interdicts action which, though supported by Smṛitis, is disapproved by usage.¹ Yājñavalkya himself said that in a conflict between two Smṛiti texts reason prevails according to usage. Nārada expresses himself in a similar strain. But later writers insist that reason must be exercised merely to reconcile conflicting texts.

The exact dates of Smṛitis cannot be ascertained. Their origin perplexed even some ancient writers. For instance,

Dates of Smṛitis. Kumârila Bhaṭṭa in his *Tantra Vârtika* remarks that owing to the scattering of Śâkhâs, human error or carelessness and the variety of topics, the beginnings of Smṛitis could not be traced. Modern scholars at first assigned very ancient dates to these compositions. Sir William Jones, for instance, referred *Manu* to 1200 B.C. Later, some scholars brought it down to the twelfth or thirteenth century A.D. It is now generally accepted that the Smṛitis assumed their present shape sometime in the first millenium of the Christian era. Bhândârkar placed them in the Kuśân-Gupta period, or, between the middle of the third and the end of the fifth century A.D.² Hopkins refers Viṣṇu to the third, Yājñavalkya to the fourth and Nārada to the fifth century, while he would place *Manu* at the commencement of or even before the Christian era.³ Jolly thinks that *Manusmṛiti* cannot be later than the second or third century A.D. while Viṣṇu cannot be earlier than the third. He would place Yājñavalkya in the fourth and Nārada about the commencement of the sixth century, while Brihaspati and Kâtyâyana are referred to the sixth

¹ Vijñāneśwara on Yājñavalkya, Ch. I, V. 136. Nārada, I. 40. Yājñavalkya, 21.

² Bhândârkar, J. B. B. R. A. S., Vol. XX, No. LVI, p. 356.

³ Cambridge History of India, p. 279.



or seventh century A.D. It must be remembered, however, that all these texts have suffered from later interpolations. Yājñavalkya, for instance, bears clear traces of the influence of the seventh century which have led Śrīśa Chandra Basu to declare that century to be his upper limit.

The Smṛitis were composed in different parts of the country. ~~Manu~~ belongs to the Gangetic plains, Nārada probably to Nepāl and Yājñavalkya probably to Mithilā, in modern Bihār. But as with the Sūtras, the difference of locality matters only in details. The Smṛitis are attached to different Vedic Schools but on the whole they treat of law, social affairs and politics in the same fashion. The Padma Purāṇa, indeed, classifies Smṛitis into Sātwika, Rājasika and Tāmasika¹ but their political ideas would fall only under one category.

Of all the Dharma Śāstras Manu is the oldest and most influential. Viṣṇu generally follows
Viṣṇu.

Manu. His scheme of human duties is much the same but he expressly allows Śūdras to practise all branches of art. In times of distress, each caste may adopt the occupation of that next to it in rank. It is also permitted to men to take wives from lower castes. A later passage, however, perhaps an interpolation, qualifies this rule by restricting it to the circle of the twice-born and by severely interdicting marriage between a Dwija and a Śūdra.² The king must keep the four castes to their duties and should see that the twice-born adhere to the duties of the four stages of their life. He was responsible for the protection of the people. If he could not recover stolen goods from thieves, he must compensate the owners from his own treasury. For administrative purposes, Viṣṇu prescribes the same scheme of local government as Manu, only omitting the subdivision of twenty

¹ Padma Purāṇa, Uttarakhaṇḍa, Ch. 43.

² Viṣṇu, II, 8, 14-15; XXIV, 1-8; XXVI, 4-7.



villages.¹ The Brāhmaṇas are exempt from taxation for they pay taxes in the form of their actions. The king, that is, the state, is entitled to a sixth of all the gross produce of the land. Like Manu and Kauṭalya, Viṣṇu

assigns to the government a share in all Revenue.

income. It is entitled to a tenth of the price of the articles sold in the country and a twentieth of those disposed of in foreign states. The latter is tantamount to an export duty. The king could charge a sixth on meat, honey, clarified butter, herbs, perfumes, flowers, roots, fruits, liquids and condiments, wood, leaves, skins, earthen pots, stone vessels and anything made of split bamboo. He could take a fiftieth of cattle, gold and clothes. Any attempt to evade the customs should be punished by the forfeiture of all the goods of the defaulter. Artizans, manual labourers and Śūdras should give a day's labour in the month to the government. The government is entitled to the whole produce of the mines and to one-half of treasure-trove, the other half going to Brāhmaṇas. But if the treasure has been discovered by Brāhmaṇas, they could keep the whole of it, and if by members of other castes, it was to be divided in varying proportions among the discoverer, the king and Brāhmaṇas. Justice is another source of public income. Not to speak of numerous fines, one-tenth of a debt which was the subject of a law-suit goes to the king.² The administration of justice in Viṣṇu

¹ Ibid., II, 2-3, 7-16, 65-67, 98. In a passage which is probably an interpolation, but which reflects the spirit of Viṣṇusūtra, the earth is told by her saviour Viṣṇu that she will be sustained by those "who practise the duties ordained for each caste and for each order and who act up strictly to the holy law." "O earth, to them is thy care committed." I, 47. Viṣṇu counsels the appointment of pious persons for performing acts of piety, skilled men for financial business, brave men for fighting, stern men for acts of vigour and eunuchs to guard the wives of the king. Ibid., II, 17-21.

² Ibid., III, 23-32, 55-64; VI, 20. It is clear that half the treasure-trove could go to the king only when it had been discovered by royal officers.

follows the old principles and procedure. When treating of insults and offences, he enters into an extraordinarily minute classification. For example, a fine is prescribed for omitting to invite a Brāhmaṇa neighbour to a feast or for offering him no food when he has been invited. On the other hand, if the guest, having duly accepted the invitation, refused to eat, he should pay a gold Māṣaka as fine and double the amount of food to the host. The law on social matters follows the lines of Manu. His criminal code is Draconic. Viṣṇu provides spiritual penalties, such as the performance of sacrifices, penances and the bestowal of gifts for most of the crimes which man can commit. He adopts the Arthaśāstra analysis of the elements of the state and counsels the old foreign policy in accordance with the doctrine of maṇḍala. But he emphasises that when a country has been conquered, its time-honoured laws and customs should not be abolished. Nor should its old dynasty be uprooted, unless it be of ignoble descent. The conqueror should invest a prince of the same line with the royal dignity.¹ In foreign affairs as in domestic government spies play an important part.²

Later than the lawgivers noticed so far but more systematic and therefore more influential Yājñavalkya. than any of them except Manu is Yājñavalkya. The fourth century A.D. is the upper limit of his

¹ Ibid., III, 33, 38-39, 47-49, Ch. V. Viṣṇu's solicitude for animal life is extraordinary. The killing of an elephant, a horse, a camel or a cow should be punished with the amputation of a hand and a foot (V. 48). Fines of various amounts are prescribed for killing domestic animals, wild animals, birds, fish or insects (VV. 50-54). See also Chs. XXXIII-XLII for penances ranging from voluntary death by fire to trivial ceremonies. See also Chs. L-LVI.

² Ibid., III, 35. Viṣṇu's treatment of military affairs is scanty and amateurish. Viṣṇu (III, 49) declares that a king should not destroy the race of his enemy unless it is of low birth.



Smṛiti or code. It is more a compilation than an original production. The author borrows freely from Dharma Sūtras, Manu, Viṣṇu, and the Purāṇas among others, but his comprehensive manner and clear style have ensured him a wide popularity.¹ According to Yājñavalkya, there are fourteen seats or sources of the sciences and Dharma or law—the Purāṇas, Nyāya, Mīmāṃsa, the Dharma Śāstras together with the Aṅgas and the Vedas. Among

The Law.

the promulgators of Dharma Śāstras he mentions Manu, Atri, Viṣṇu, Hārīta, Uśanas, Aṅgiras, Yama, Āpastamba, Samvrat, Kātyāyana, Bṛihaspati, Parāśara, Vyāsa, Śaṅkha, Likhita, Dakṣa, Gautama, Śātātapa, Vaśiṣṭha and himself. It seems he perceived that these authorities did not always agree among themselves. It was necessary to provide some means for the correct interpretation and elucidation of law. Yājñavalkya would constitute a Pariṣad or legal assembly, versed in the Vedas and Dharmas or in the three sciences. Its decrees should be considered law. Failing an assembly, the verdict of the foremost of theologians was law. It is remarkable that Hindu lawgivers, though wedded to tradition, recognise the need of adapting law and custom to a changing environment and provide a machinery for the purpose. It is generally recognised that the Smṛitis are not eternal or unchangeable. They have

¹ Yājñavalkya Smṛiti, with the commentary of Vijnāneśwara called the Mitākṣarā and notes from the gloss of Bālabhāṭṭa translated into English by Śrīśa Chandra Vidyārṇava, Panini Office, Allahabad, 1918. See the Introduction on the character of Yājñavalkya's work.

The Smṛiti is divided into three sections:—

(1) Āchāra or the Moral Code, (2) Vyavahāra or the Civil Law, and (3) Prāyaścitta or Penances which comprise a sort of Penal Code. They contain 1,010 couplets. The first and last sections are incorporated in Garuḍa Purāṇa. Yājñavalkya's Smṛiti was composed probably in Mithilā.



been composed from time to time and only reflect the received opinions of particular ages and regions. Besides, Yājñavalkya would recognise the individual "satisfaction" or conscience as one of the sources of law.¹

In Yājñavalkya, as in his predecessors, the scope of the activity of the government coincides with the whole field of human life. For example, it is the

The activity
of the Govern-
ment.

duty of the king to discipline and set right families, castes, and all guilds and associations—Śrenīs, Gaṇas and Janapadas—who may have deviated from their duties.² The social order has to be maintained with a firm hand. It was in the shape of the rod that Brahman had created justice. The rod must be hurled ceaselessly on the heads of evil-doers. The king should not allow even his brothers, sons or parents-in-law, if they are guilty of any crimes, to go unpunished. To inflict punishment or death on those who deserve it, is to perform many sacrifices and bestow the finest gifts. But punishment is never to be arbitrary. It must conform to the scriptures. When it is lawful, it brings glory, victory and heaven to the king. Otherwise, it devastates all.³ If this supreme task of maintaining order is to be well-performed, it is essential that power should rest in the hands of those who are endowed with wisdom, purity and truthfulness, who are free from greed and who command excellent assistance.

The Rulers.

The king must be learned, disciplined, gentle, righteous, energetic, enthusiastic and brave. His ministers ought to be hereditary servants, steady, intelligent and pure. The king must have a priest well-versed in the science of government, in ritual and in astrology.

¹ Ibid., I, 3—5, 11, 7.

² Ibid., XIII, 361.

³ Ibid., XIII, 354, 356—59.

The king should first consult the ministers, then the Brāhmaṇas and finally decide for himself. Counsels must be kept confidential.¹ It was, in any case, essential that the king should personally guide the whole administration. Personally, he must examine his revenue and expenditure, dispatch spies and messengers and receive their reports, administer justice, inspect his forces and consult the commander. Yājñavalkya prescribes for him a programme like that of Kauṭalya.² Among other economic matters, the coinage is regulated entirely by the state. Towards his servants and subjects, the king should behave like a father. The protection of the people is the *raison d'être* of his being. It brings him greater merit than all the gifts in the world. If the king levies taxes on the people, it is his bounden duty to care for them. Otherwise he must undergo suffering for half the sin that is committed in his kingdom. In particular, he should shield his people from the exactions of Kāyasthas—state accountants and clerks. Corruption should be punished by confiscation of property and banishment. Illegal exactions plunge a king into hell. The fire which emanates from the sufferings of subjects extinguishes the king, his fortune and his family.³ On justice Yājñavalkya has nothing new. Punishment depends on the nature, time and place of the crime, and the age, ability and means of the accused. Caste enters as usual into social law. Punishment is divided into four classes—gentle admonition, reproof, fine and corporal affliction. Fines fall into three grades, the highest, middle and lowest amercements, eighty, forty and twenty *panas* respectively. The customs of families, castes and corporations are to be respected, but an appeal lies from their decisions to royal judges. In fact, all cases

¹ Ibid., XIII, 355, 309—313, 344.

² Ibid., XIII, 327—333, 360, 364 *et seq.*

³ Ibid., XIII, 334—341.



which have been wrongly decided should be retried.¹ In dealing with foreign states, the usual means of conciliation, diplomacy, fraud and force are explained. A king should attack the enemy when the latter is weak and has his realm filled with corn and provisions. There is nothing more meritorious than to acquire wealth by war and bestow it on Brāhmaṇas. But warfare has a law which must always be respected. One should never strike eunuchs, those who are unarmed, who are fighting with others, who desist from fighting or who surrender. Spectators are not to be molested. When a country has been conquered, its customs, laws and family usages must be maintained.² It is essential for a monarch to make adequate provision for the defence of his own realm. The safety of the king, his treasure and his people demands that numerous fortresses should be erected and placed in charge of experts.³

Taking a comprehensive view of the state, Yājñavalkya agrees with his predecessors that there are seven constituent elements or limbs of the state but he substitutes the Rod of Justice for the Army in the traditional category.⁴

The Śāstra of Nārada is a work on law and touches but incidentally on administrative matters. It draws freely on Nārada.⁵ Manu and on the predecessors of Kauṭilya and contains little that is original. The law which the state is to enforce pertains to the whole of human life. For example, if a man deserts a wife who

¹ Ibid., XIII, 366—68; II, 30, 305. In the seventh century, Yuan Chwang (Watters, I, 176) noted that taxes were light.

² Ibid., XIII, 321.

³ Ibid., XIII, 353.

⁴ Several Sanskrit editions of Nārada Smṛiti have been published. The standard English translation is that by Dr. Julius Jolly in the Minor Law-Books, Part I. Sacred Books of the East Series, Oxford, 1889. In Nārada, civil law and legal procedure appears in a far more advanced state of progress than in other Smṛitis. A fragment of a different version of the Smṛiti also exists. (Jolly, Tagore Law Lectures, II, III.)



is obedient and virtuous and who is the mother of male issue, he should be severely punished and made mindful of his duty by the king.¹ In administering oaths, admitting evidence and determining punishments, the caste discriminations of Manu are reproduced. For example, Brāhmaṇas are exempted from certain ordeals. Nārada, it may be mentioned, reduces ordeals to a precise system.² In the administration of justice, the assessors are assigned a more important position than in Manu.³

Like Nārada, Brihaspati deals primarily with law. He cannot be placed later than the sixth or seventh century

A. D. and belongs pretty much to the same period as Nārada. He begins by pointing

out the need of courts of justice in a manner which recalls theories of the origin of the state itself. "In former ages men were strictly virtuous and devoid of mischievous propensities. Now that avarice and malice have taken possession of them, judicial proceedings have been established."⁴ Brihaspati divides courts into four classes, (1) stationary, that is, those held in towns or villages, (2) those moving about, (3) those presided over by the chief judge, and (4) those directed by the king himself.⁵ As in Manu, the king should be assisted by three assessors.⁶ But the popular element enters into the administration of justice in a much more pronounced manner than in Manu. Cultivators, artisans, companies of tradesmen, artists, money-lenders, dancers, religious mendicants, and even robbers are told to adjust their disputes according to the rules of their own

¹ Nārada, XII, 95.

² Jolly, *Minor Law-Books*, Part I, 248—256.

³ *Ibid.*, 39-40. It is interesting that at the very time when theoreticians were counselling strict enforcement of caste, Yuan Chwang (Watters, I, 162) spoke of Śūdras as agriculturists.

⁴ Brihaspati, I, 1.

⁵ *Ibid.*, I, 2-3.

⁶ *Ibid.*, I, 20.



professions. Families, craft-guilds and local assemblies may be authorised by the king to dispose of law-suits among their members except such as concern violent crimes. Brihaspati also provides for appeal from meetings of kindred to companies, thence to assemblies and finally to the royal judges on the ground that the lower courts have not duly investigated or deliberated on the cause. The law which the royal courts are told to administer takes account of sacred injunctions, customs and equity. Thus, the king in the court is exhorted to listen to the Purâṇas, codes of law, and rules of polity, to act on the principles of equity, and abide by the opinion of the judges and the doctrine of the sacred law. It was a political necessity to preserve intact the time-honoured institutions of every country, caste and family. "Otherwise the people would rise in rebellion, the subjects would become disaffected towards their rulers; and the army and treasure would be destroyed." Among those who are not to be consulted in adjudication are people ignorant of local customs. A little later, Brihaspati expressly lays down that no sentence should be passed merely according to the letter of the law, but the circumstances of a case must be closely examined. Local custom, however, can be overruled by royal edicts, which thus constitute a distinct source of law. As in Manu, the law on defamation and adultery is vitiated by considerations of caste. Brihaspati counsels itinerant courts. "For persons roaming the forest, a court should be held in the forest; for warriors, in the camp; and for merchants, in the caravan."¹ It is needless to follow Brihaspati into rules of procedure, etc., for they correspond to those enunciated by Manu. But it may be pointed out that, according to him, law-suits fall into two categories, those originating from disputes regarding wealth and those relating to injuries. Roughly,

¹ Ibid., I, 26-31, 23-25, 33; II, 28, 12, 24, 26-27; XX, 5-15; XXIV, 12.



the distinction corresponds to civil and criminal suits.¹ In the absence of the king, some Brâhmaṇa versed in law is to act as judge.²

Like Manu and Nârada, Brihaspati stresses the need of evidence, classifies witnesses and hurls anathemas against perjury, but he thinks that various motives,

Ordeals.

affection, anger or avarice, may render the testimony of witnesses nugatory. When doubts arise with regard to documentary and oral evidence, and when reasoning itself fails, ordeals should be employed. While Manu had been content with two, Brihaspati enumerates nine of them to be administered according to the character of the accused and the nature of the charge. An ordeal must always be administered according to the established rule by persons versed in the regulations. "If it is administered against the rule, it is ineffective as a means of proving what ought to be proved." There was a general rule that if a certain amount of money or property in question justified an ordeal for a low-class man, double the amount justified it for a middle-class man and four times as much for a high-class man. In the ordeal by balance, a person who, when weighed a second time, retained his original weight, was declared innocent while he who weighed heavier was adjudged guilty. It was held that the weight of sin made the difference. "Should the scale break, or the balance or beam, or iron hooks split, or the strings burst, or the transverse beam split, he would have to be declared guilty." In the ordeal by water, an individual was immersed in water and three arrows were discharged. In the ordeal by poison, one had to digest poison "given to him according to rule, without the application of spells or antidotes." One should drink three handfuls of water in which the weapon of one's special deity had been

¹ Ibid., II, 5.

² Ibid., II, 32.

bathed. If in a week or fortnight, no calamity happened to him, to his son, wife, or property, he was declared innocent. Or, after a fast and purification, one should chew grains of rice when the sun is not visible. If what he spits out is pure, he is innocent; if it is mixed with blood, he is guilty. If one can take out a hot piece of gold out of heated oil and butter, without one's fingers trembling or being blistered, one is declared innocent. To prove his innocence, one accused of theft should lick with his tongue without injury an iron ploughshare twelve palas in weight. The lighter ordeals were reserved for Brâhmanas and women. The Hindu law-givers tend to regard the oath as a kind of ordeal on the ground that it invokes supernatural agency.¹

Parâśara² recognises that there is no absolute law. The law changes from time to time. Every age has its own

scheme of duties which the government
Parâśara. should enforce. Parâśara undertakes to expound the Dharma of his own times. He bases his theory partly on existing facts and ignores the canon law in several particulars. He is averse to begging and counsels the government to punish those Brâhmanas who do not study but live on charity.³ Brâhmanas are not to practise agriculture but they may employ others to till the land for themselves. Later, he altogether throws open agriculture to

¹ Ibid., X, 1—33. For actual practice *cf.* Yuan Chwang (Watters, I, 172) who, writing in the seventh century, speaks of four ordeals—water, fire, weighing and poison. His description of them is different from that of the Smṛitis.

² Parâśara is an old name in Sanskrit literature. He is the seer of some Vedic hymns and is called the son of Vasiṣṭha and Sakti in the Rîgveda (I, 65—73). He appears in the Mahâbhârata, in Yâjñavalkya and in the Viṣṇu Purâṇa. The Smṛiti, however, which goes by his name, is one of the latest. There is a still later work, Parâśarîya Dharma Sâstram, highly tinged with sectarianism which must be pronounced a late expansion of his Smṛiti. Parâśara deals almost exclusively with Âchâra and Prâyaścitta.

³ Parâśara Smṛiti (edited by Vinayak Dharmadhikarin, with the Vidvanmanohar Commentary, Benares, 1913), I, 33. Also XI, 50.



Brāhmaṇas. Kṣatriyas may freely become agriculturists. Vaiśyas and Śūdras alike may take to agriculture, handicrafts and with certain restrictions, to trade. Śūdras are permitted to trade in salt, honey, oil, milk, butter, curds, etc., but are debarred from dealing in liquor or meat. Śūdras, like others, should lead an upright life and, *inter alia*, should abstain from forbidden food. But on no account are they to adopt a scholastic career. The study of the Vedas, on their part, is equivalent to a most heinous crime.¹ On social law, as on the law of libel, Parāśara allows the caste privileges which had received the sanction of his predecessors. He emphasises the necessity of protecting the earth, maintaining order with a stern hand and conquering the enemy's forces. Taxes should be mild. The king should gather flowers but should not uproot the plant.²

Government should always be conducted according to law. Penances, except those for trivial offences, require the sanction of the king. But the king, in laying down the law, must pay heed to the dicta of Brāhmaṇas. Otherwise a sin is multiplied a hundredfold and affects the king.³

Such are the leading ideas on government in the principal Dharma Sūtras and Śāstras. There are numerous other Smṛitis in existence which were composed in various places from time to time.⁴ But on government they add nothing new.

¹ Ibid., II, 2, 12-14; I, 63-67.

² Ibid., X, 5-41; I, 61-62.

³ Ibid., VIII, 28-29. Some of the penances in Parāśara are mild in comparison with the corresponding ones in other Smṛitis. For instance, after killing a Brāhmaṇa, intentionally or unintentionally, one need only perform a pilgrimage, in rigid ascetic style, to Rāmeśwara Bridge in the extreme south and bathe in the sea.

⁴ Yājñavalkya does not exhaust the list of writers on law or conduct. Vṛiddha Gautama counts 56 or 57 teachers of the law and Nanda Paṇḍita, author of the Vaijayantī, 57. Mitramiśra in his Vīramitrodaya speaks of 18 primary, 18 secondary and 21 other Smṛitis. Stenzler gave a list of forty-six and Dr. Roer of forty-seven



The chief lawgivers have been for centuries subjected to interpretation and elucidation by a host of commentators.

The legal Commentaries.

Medhâtithi.

On points of civil law they often make fresh contributions to the subject, but on the principles and methods of government they generally serve only to emphasise and sometimes to obscure the meaning of their texts. Medhâtithi who commented on Manu in the tenth century stresses the intimate connection of protection and taxation. Here, again, the maxim is 'no taxation without protection.' The second maxim is 'no protection without enforcement of order.' Medhâtithi, however, makes it clear that the duty of protection is universal, that is, even those who are exempted from taxes are entitled to protection. Medhâtithi also admits non-Kṣatriya kingship. When the state is weak, it is permitted to Brâhmaṇas and others to look after their own safety and take up arms.¹

Explaining Yājñavalkya, Vijñāneśwara, one of the most influential of commentators about the 14th century, stresses

Vijñāneśwara,
etc.

the value of hereditary servants, those whose ancestors served under the government. The government should raise its income by honest means such as the regulation of trade routes, etc. Justice should never be influenced by motives of greed. Vijñāneśwara makes it explicit that the word king, as used in the lawgivers, means the whole government including local officers.² On the whole, Vijñāneśwara exercised a liberal influence on Hindu thought. Jimâtavâhana who was largely

of them. The Ānanda Āśrama of Poona has published a collection of twenty-seven Smṛitis, including the Devala which were composed in Sindh about the time of the Arab invasion in the 8th century.

The Padma Purāṇa, Uttarakhaṇḍa, Ch. 43, has a curious classification of Smṛitis into (1) Sāttwika, (2) Rājasika and (3) Tāmasika.

¹ Medhâtithi's Commentary on Manu, VII, 1, 2; VIII, 40.

² Vijñāneśwara's Commentary on Yājñavalkya's Smṛiti, Ch. XIII, Verses 312, 137, 345, 347; I, 368.



followed in Bengal, was not illiberal. But a great scholar and commentator, Mādhavāchārya, who flourished in the south in the fourteenth century, was highly conservative. In his commentary on Parāśara, he calls himself a supporter of the Purāṇic doctrines and gives an unprecedented prominence to the Purāṇas. Devānabhāṭṭa, author of *Smṛiti Chandrikā*, was another ultra-conservative. In his chapter on *Deśa-dharma*, he refuses to attach any weight to what is not supported by Vedas and *Smṛitis*. Aparārka, a Raja of Konkan, who flourished about the twelfth century, further elucidates and expands the meaning of Yājñavalkya. The line of commentators has continued down to modern times. The *Vaijayanti Commentary on Viṣṇu* was composed in the 17th century.

The primary commentaries in their turn were commented on by priests, scholars and lawyers. They were more prolific in the south where the stream of Hindu life and thought continued longer undisturbed. Bālabhāṭṭa *Ṭikā* or *Lakṣmī Vyākhyāna*, the famous exposition of the *Mitākṣarā*, belongs probably to as late a period as the eighteenth century. But with the progress and consolidation of Muslim dominion, the political matter in this class of writings diminishes and ultimately almost disappears. The same remark applies to the numerous *Dharmanibandhas* which grew up everywhere, though more in the south than in the north. In the sixteenth century, Dalapati, minister of the Nizāmshāhī ruler of Ahmadnagar, wrote an enormous law-book called *Nṛsiṃhaprasāda*, divided into twelve sections but it has little to say of government. Already, in the fourteenth or fifteenth century, *Jimūtavāhana* had

Bühler placed *Vijñāneśwara* in the 14th century, but as Basu points out (Preface to his translation, xix), the commentator quotes from Mādhava, the great minister of the Vijayanagara empire, and cannot be anterior to the 14th century. The *Mitākṣarā*, as his commentary is called, bears traces of Buddhist influence.



founded what is known as the Bengal school of Hindu law but he has hardly a place in a history of governmental theory. The absence of political reflections in the commentaries, sub-commentaries and expositions is all the more striking as the reputed authors of some of them were Rājās or ministers. In the regulation of life, Hindu society tries to ignore the Muslim government and to legislate for itself. During the medieval period of Indian history, various selections from ancient writings were compiled. Mitra Miśra, in his *Viramitrodaya* dedicated to Bira Simha Bundelā of Urrhā (of the sixteenth century), gives copious extracts on coronation ceremonies, kingly and ministerial duties and so on from Brāhmaṇas, the Mahābhārata, Smṛitis and Purāṇas, and interprets many of them in his own light.¹

¹ The *Asahāya Bhāṣya* on Nārada Smṛiti was probably the oldest of all commentaries but only extracts from it have been recovered. It is believed to have been recast by Kalyāṇabhaṭṭa.

Seven old commentaries on Manu have been discovered. Medhātithi is by far the most important. Bhojarāja belongs to the eleventh century. Govindarāja comes later, Nārāyaṇa and Kullūka later still.

Next to Manu, Yājñavalkya has received the greatest attention. Vijñāneśwara, the author of the *Mitākṣara*, or as it is sometimes, called *Riju Mitākṣarā Tikā* or *Riju Sammitākṣarā* or *Pramitākṣarā*, is believed to have lived at Kalyāṇapur, now in the Nizam's dominions. Its sway has been felt over the greater part of the country. Colebrooke translated its chapter on Inheritance which at once assumed a tremendous importance. Aparārka, though less influential, is most probably earlier than Vijñāneśwara. His silence about the latter was ascribed by modern scholars to etiquette which prevents a royal author from mentioning the names of servants of other kings. But after the discovery of Vijñāneśwara's reference to Mādhava it seems clear that Aparārka's silence is the natural accident of his priority in time. Among the commentaries on the *Mitākṣarā* itself may be mentioned the *Subodhinī* or *Viśveśvarī* by Viśveśwara Bhaṭṭa. Among the commentaries on the *Sūtras*, perhaps the most important are Haradatta's gloss on the *Āpastambīya Dharma Sūtra* called *Ujvalā* and his gloss on Gautama called *Gautamīya Mitākṣarā*, both composed in the sixteenth century. Tōḍar Maī, surnamed Tōḍarānanda, the great minister of Akbar, was the author of the *Saukṣhyas*, one of the numerous Digests on law which were composed during the middle ages.

Another law-book which acquired some vogue is the *Saraswativilāsa* composed by King Prathāpāditya of Orissa in the sixteenth century.

Five distinct schools of Indian Law are recognised but the division relates to civil law and has no reference to governmental agency.



CHAPTER VII.

The Purâṇas and Upapurâṇas

While the authors of Dharma Śāstras were promulgating or compiling their regulations on life, another class of compositions was put into shape. The Purâṇic Literature. dates of the Purâṇas are as uncertain as those of the Smritis. The term occurs in later Vedic literature. The Atharva Veda, for instance, speaks of Itihâsa-Purâṇa which later was called the fifth Veda. There existed from very ancient times accounts of cosmic creation and regal dynasties cast in a more or less popular form. They were edited and re-edited, and added to, from time to time until they assumed the form of eighteen Purâṇas between the fifth and tenth centuries A.D. Interpolations continued to be made till long afterwards. Some of the Purâṇas bear traces of sixteenth century influence but their form and contents were for the most part settled during the centuries following the break-up of the Gupta Empire. The Purâṇas fall into three schools after Brahmâ, Śiva and Viṣṇu, the Hindu trinity. They vary according to tradition in size, from the 81,000 couplets of the Skanda Purâṇa to 9,000 of the Mârkaṇḍeya. Altogether they perhaps comprised about 400,000 couplets, as tradition will have it. But owing to losses and interpolations, the actual numbers of couplets do not always agree with the orthodox computation.¹

¹ The following are the names of Purâṇas and the numbers of couplets which they probably once contained :—

Vaiṣṇava Purâṇa.

1. Viṣṇu	...	...	23,000
2. Nâradiya	...	...	25,000
3. Bhâgavata	...	...	18,000



Generalising on the contents of Purāṇas, Hindu writers declare that they all deal with five subjects : primary creation or cosmogony, secondary creation or cosmogony of worlds including chronology ; genealogy of gods and patriarchs ; reigns of Manus and the history of the solar and lunar dynasties. An ampler analysis specified ten essential contents : (1) primary creation, (2) secondary creation, (3) description and

4. Garuḍa	...	...	19,000
5. Padma	...	...	55,000
6. Varāha	...	...	24,000
<i>Saiva Purāṇa</i>			
7. Matsya	...	...	14,000
8. Kūrma	...	...	17,000
9. Liṅga	...	...	11,000
10. Vāyu	...	...	24,000
11. Skanda	...	...	81,100
12. Agni	...	...	15,400
<i>Brāhma Purāṇas</i>			
13. Brahmāṇḍa	...	...	12,000
14. Brahma Vaivarta	...	...	18,000
15. Mārkaṇḍeya	...	...	9,000
16. Bhaviṣya	...	...	14,500
17. Vāmana	...	...	10,000
18. Brāhma	...	...	10,000

Of Alberuni, tr. Sachau, Vol. I, 130—31.

On the Purāṇas, see in particular Pargiter, *Dynasties of the Kali Age*. and *Indian Historical Tradition*. Recently there has set in a reaction against the nineteenth century underrating of Purāṇas. Mr. Rapson, for instance, thinks that they have preserved, though in a perverted form, an independent tradition which supplements the priestly tradition of the Vedas and Brāhmaṇas and which goes back to the same period (*Cambridge History of India*, p. 302). The Purāṇic tradition pertains to the heroic Kṣatriya literature which has largely disappeared. The Kūrma Purāṇa gives a list of nineteen Purāṇas. For the Purāṇas and their size, see also the Matsya Purāṇa, Ch. LIII, 13—58. It is claimed that all the Purāṇas describe the four Vargas—Dharma, Artha, Kāma and Mokṣa—and the evil consequences following from sin. (*Ibid.*, 66.) The Matsya Purāṇa preserves the tradition, which may have some historical basis, that the Purāṇas were composed after the Mahābhārata by Vyāsa. (*Ibid.*, 69.)



classification of movable and immovable things, (4) the rescue of men and of the world in every age by a divine incarnation, (5) reigns of Manus, etc., (6) genealogies of past, present and future kings, descended of Brahman, (7) histories of kings and their descendants, (8) the destruction of the world causal or natural, temporary or permanent, (9) the influence of Avidyâ or ignorance in creation, and (10) the reduction of Brahman or the universal spirit to Jiva or individual soul under the influence of Mâyâ. The Śrīmad Bhāgavata and the Kārma Purāṇa give slightly different lists of contents. These, however, are really the characteristics of the Upapurāṇas, the eighteen sub-purāṇas, which were composed on the model of Purāṇas.

In this scheme, political thought occurs in the course of the descriptions of the reigns of Manus and dynasties. It generally follows the lines which the Mahābhārata, the Arthasāstras and the lawgivers had sketched out. The purāṇas draw freely on them and only too often reproduce *verbatim* long passages from them. But here and there they give a new setting to old concepts. In their zeal to promote virtue, they often speak in the imperative mood.

Politically, the Agni Purāṇa is one of the most important in the whole series. True, it classes politics among inferior sciences reserving the dignity of superior science to Brahavidyâ alone. But it has much to say on government. It accepts the time-honoured theory of caste. It is the business of the king, that is, of the government to enforce the social order as well as actively to encourage honest pursuits and assist those who walk in the path of virtue. The king should erect and maintain divine temples and instal the sacred images therein. The life of a king ought to be one perpetual vow of ameliorating the condition of his subjects. So, the state is a culture-state, a moral association and the

The Agni
Purāṇa.



government as embodied in the king, is the supreme instrument of promoting spiritual welfare. The king should provide ascetics with the necessities of life, should bestow gifts on Brâhmanas, and maintain aged persons, widows, imbeciles and friendless people. The function of a benign government is to provide conditions in which all may live peacefully and enjoy their property and the fruits of their labours. The Agni Purâna accepts Yâjñavalkya's analysis of the elements of the state, but it makes clear that the king is the central figure. He is the fountain source of all authorities and regulations. Those who rebel against him or pervert any of the other factors of the state should be mercilessly slain. The king ought not to be too clement. On the other hand, he should not be too harsh. He should maintain his dignity and prestige but he should attempt to win the affection of his subjects. In himself, he should present an example of moral discipline, character, energy and fortitude. He must forego all pleasures of his own and live solely for the well-being of his charge. No penances or sacrifices will avail him if he fails to protect his people. The house of a monarch who performs this duty is heaven itself, while hell exists nowhere else than in the home of a king who neglects the good of his subjects. In particular, the king should take care to safeguard his subjects against the extortions and oppressions of his own officers and favourites and of the usurers. Let it be remembered that to the king falls a sixth part of the merit or sin of all actions done in his dominions. In the love of his subjects lies the strength of a king. The epithet Râjan itself means that the king should be a source of joy to his people.¹ The king

¹ Agni Purâna (edited by Manmatha Nath Dutt). Uttarakhaṇḍa, Ch. CCXVIII, 2-3; CCXXIII, 4-13, 22-26; CCXXII, 15-18; CCXX, 22-23, CCXXIX, 6-12. The Purâna compares the king to the gods after the manner of the Mahâbhârata, CCXXVI, 17-20. For the position of sciences, Ch. I, 14-17. The Agni Purâna claims to expound the



therefore should do only what would please his subjects and avoid what would cause hardship to them. A declaration and promise of protection to all should be made by the king at the time of his coronation which, according to the Agni Purâṇa, should be celebrated a year after his accession. The king should devote his hours and minutes to the business of the state. Every day he should see his subjects, consider the daily reports of income and expenditure, receive Brâhmanas, ministers, officers and people presented by the usherer of the court, consult his ministers on weighty matters and preside over the court of justice. Such is the daily programme—ceremonies, meals and exercises intervening.¹

The king must appoint a number of chief officials—Ambassador, Minister, Master of the Kitchen, Royal Physician, Officers, Keeper of Royal Elephants, Keepers of Stables, Masters of the Castles and Fortresses. The Agni Purâṇa jumbles the state and household officers together. It prescribes the usual intellectual and moral qualifications for them all. It is specially mentioned that no royal officer should be an atheist. For local government, the Purâṇa adopts the old scheme of Manu and Kauṭalya. The village officer is designated Grâmahîpati; the superintendent of ten villages is known as Daśagrâmahîpati, of 100 villages as Śatagrâmahîpati and the yet higher officer as Viśveśwara. They must be paid accord-

great and eternal science of Brahma. In the Purâṇas, as in the Smritis, penances are prescribed for all sorts of sins and crimes. See Agni Purâṇa, Ch. CCXXI. The killer of a cow or a Brâhmana should quit life the same day or commit himself to the flames for the destruction of his sins. (CLXXIII, 17.)

¹ Ibid., CCXVIII, 4–6. The Agni Purâṇa gives elaborate descriptions of the ceremonies and sacrifices accompanying the coronation. See CCXVIII, 7–34; also CCXIX. For the duties of the king, CCXXV, 1–17.



ing to the importance of their charge. Their conduct must constantly be watched by spies.¹

It is the spies who are the real eyes of the king. Disguised as merchants, physicians, astrologers, religious mendicants, they should watch the doings of all

Spies. and note the strength and armaments of foreign states. They must also keep a close watch on foreign visitors. But some check is necessary on them as well. Spies should not know one another. A single spy is not to be trusted, unless he is corroborated by others.²

The Agni Purâṇa advocates justice in general terms. It declares that it is for the sake of royal justice that subjects pay taxes to the king, but it goes

Brâhmanic
privilege.

further than previous writers in claiming privileges for Brâhmaṇas. It holds that half the revenue collected should be deposited in the treasury and the other half distributed among Brâhmaṇas. The king is specially enjoined to rear, protect and worship Brâhmaṇas. He should ascertain the occupation and accomplishments of each Brâhmaṇa, provide him with a decent annuity and take care of him as if he were his own son. The ceremonies and sacrifices which Brâhmaṇas perform prolong the life of the king and bring happiness to the people at large. The king may be dying of hunger but he should not tax Brâhmaṇas. The king dies if a Brâhmaṇa famishes for food. The climax is reached when we are told that a Brâhmaṇa is never to be hurt or killed, though he may be leading the most wicked life and though he may have committed

¹ Ibid., CXIX, 1—8; CCXXIII, 1—4; CCXXI. According to the Agni Purâṇa a village should be 100 dhanus in extent and a town, 200 or 300 dhanus. All towns should be enclosed by walls which a camel could not look over (CCXVII, 20—22).

² Ibid., CCXX, 17—22.



the most heinous crimes. The killing of a Brâhmaṇa is the deadliest of all sins.¹ The Agni Purâṇa

Taxation.

follows its predecessors in laying down the principles and items of taxation, the customs, the toll on sales and purchases, the division of treasure-trove, and unclaimed property, etc. Only a few peculiarities need be noticed. The Purâṇa recognises the sale of female slaves. If they were imported, a duty should be levied according to the time and country of importation. One-sixth is charged on animals, one-fifth on gold and one-sixth on articles of perfumery, cereals, flowers, roots, fruits, leaves, pot-herbs, hays, bamboos, hides, wicker-works, earthen pots, stone-vessels, honey, meat and clarified butter. The king should not recklessly exhaust the mineral resources of his dominions.²

On law, civil and criminal, the Agni Purâṇa follows the Smṛits. There are four sources of law—the scriptures, custom, the practice of the righteous and

Law.

royal edicts. The Dharmaśâstra takes precedence over the Arthaśâstra. These include local custom and rules of good conscience. On every topic it dilates in minute detail. It declares that treason on the part of feudatories or governors should be punished by amputation of the hands and by impalement.³ State functionaries who prove corrupt or unworthy should be banished. Like Kauṭalya, the Agni Purâṇa seeks to legislate on labour. It would fine an employer who dismissed a labourer before the expiry of the stipulated term. It would punish a labourer who refused to serve on receipt of adequate wages. The king's command, the decision of the community and

¹ Ibid., CCXXIII, 14—16; CCXII, 15—181, 30—32.

² Ibid., CCXXIII, 23—29.

³ Ibid., CCXXVII, 1—17, 40—48, in particular CCLIII, 3, 50.



amicable settlement by parties may end disputes. In the royal court, assessors and ordeals are admitted. So we have the involved statement that a tribunal should consist of the eight limbs of a law-suit—the king, the judge, the jurors, the scriptures, the astrologer, the clerk, gold, fire, and water.¹ Witnesses should belong to the same caste or social order as the party by which they have been cited.² The Agni Purāṇa counsels that enemies of the public good should be publicly executed while all other sentences should be carried out privately.³

Feudatories figure more than once in the Agni Purāṇa. They should help the suzerain power in appeasing the public feeling and should rally to its support in times of war, by collecting allies and auxiliaries and by distinguishing friends from disguised enemies.⁴

In dealing with foreign affairs, the Purāṇa adopts the precepts of its predecessors. It specifies seven expedients: (1) Sāma or friendly measures, (2) Dāna or payment of money, (3) Bheda or creating dissensions, (4) Mâyâ or stratagem, (5) Indrajâla or deceit, (6) Upekṣâ or indifference, and (7) Danda or war. The Purāṇa would prefer diplomacy to the uncertain chances of war. Hence the importance of envoys. There are three classes of them: (1) Śāsanârhaka, those who are charged simply to deliver a message; (2) Mitrârtha, those who are charged to conduct negotiations according to instructions from headquarters, and (3) Nihṣṛiṣṭârtha or plenipotentiaries, those who are authorised to settle affairs

¹ Ibid., CCLIII, 3–66.

² Ibid., CCLV, 2. On the Law of Debt, see CCLIV, on other branches of civil and criminal law, CCLV–CCLVIII. The rules about witnesses, etc., are borrowed from Smṛitis.

³ Ibid., CCXLI, 47–53.

⁴ Ibid., CCXLI, 16–28.



according to their own lights. All ambassadors, of whatever grade, must observe the correct etiquette.¹ The king must always carefully contemplate the balance of power among the twelve monarchs of the Maṇḍala or circle. When he finds himself in conflict with a foe of superior might, he should himself make overtures of peace for his own good.² Next, the Purāṇa embarks on an elaborate description of military tactics, strategy, manœuvres, auspicious auguries, omens, etc.³

The Bṛihaddharma Purāṇa, an Upapurāṇa, gives its political theory in the form of a narration of the ancient history of the human race. The world

The Bṛihad-dharma Purāṇa. began with the golden age called Satya Yuga which was free from all sorrow and sin, disease and disputes. It was a heaven of perfect virtue and happiness. With the advent of the second age or Tretā Yuga commenced a decline which reached an advanced stage in the Dwāpara Yuga.⁴ Of course, caste had appeared long ago in the usual orthodox style and the duties of the different orders had been laid down. Brāhmaṇas are never to bear arms, or practise agriculture, pasture, trade, etc. Otherwise they are guilty of the sin of cow-slaughter. The Purāṇas, it will be observed, are more strict on the law of caste than even the Smṛitis. The Bṛihaddharma Purāṇa, however, admits that all, even Śūdras, attain the rank of Vipras if they duly perform their duties.⁵ The course of human history was disturbed by an episode which left lasting traces on society. There arose a king called Vena who violated the law in every

¹ Ibid., CCXLI, 1—12; CXXXIV, 17—251; CCXXVI, 4—8.

² Ibid., CCXLI, 1—6.

³ Ibid., CCXL, 7—32. Also CCXXXII—III, CCXXXVI.

⁴ Bṛihaddharma Purāṇa (ed. Hara Prasad Shastri, Calcutta, 1888), Uttarakhanda, Canto XII, 5—42.

⁵ Ibid., I, 4—6, 14, 22—3; II, 8—62.

particular. He forbade all religious worship, exercise and gifts by beat of drum. He embarked on a course of deliberate oppression. The sages approached him and told him that Dharma was the greatest friend of men of all castes and stages. If the king renounced Dharma, the subjects would follow suit. Then nobody's wife would be his own and nobody's wealth or house would be his own. That is to say, family and property would be gone. The rule of a Dharma-less king is equivalent to anarchy. It means promiscuity which means the birth of bastards who are calculated to lead all to hell. The discourse was lost on Vena who wilfully intermixed the castes and thus ultimately gave rise to 360 sub-castes. At last the cup was full; the R̥ṣis were enraged. They went forth to slaughter the wicked king. They extinguished his life by their breath and ground his hands. They set up a new king, Pṛithu. The earth obtained peace; Dharma resumed its vogue and the gods, Brāhmaṇas and cows received protection once again. The intermixture of castes was stopped but the existing half-castes were not exterminated. They were given a place in the social system and assigned different functions.¹ The story of Vena illustrates what a government ought not to do. It emphasises that government is the great instrument of keeping Dharma intact. It sanctions regicide as the last measure to get rid of iniquitous tyrants.

The king, who incorporates the essence of all the gods, is meant primarily to protect the people. That is equivalent to a thousand horse-sacrifices. But real

Protection.

protection implies the punishment of the wicked and the relentless suppression of sin. Sternness is the law of nature. On earth, as in water, creatures are constantly slaying one another. If the king has to slaughter

¹ Ibid., XIII, 13—49, 54—60; XIV, 3—80.



in the course of protection, he is guilty of no sin. The world comes under the control only of those who wield the rod. To the impotent belongs neither this world nor the next. It is the fear of the rod alone which keeps men under control and prevents wickedness. If the rod were laid aside, all would become undisciplined.¹ Behind it all there lies, as in the Mahābhārata, a low conception of human nature. From the capital punishment, the Purāṇa would exempt Brāhmaṇas, women, old men and children.² A few of the miscellaneous precepts of the Bṛihaddharma Purāṇa may be mentioned. The revenue should be spent on projects of Dharma, on the royal household, and on the succour of Vipras. The government should always keep itself in readiness to meet the emergency of war and should maintain its forces in perfect order. No minister should continue in office too long. The brothers of a king should not be given too great a latitude. No interest on loans should be charged from Brāhmaṇas. Śūdras should be debarred from the study of sacred literature.³

The Vāyu Purāṇa is remarkable for a theory of caste slightly different from the orthodox version. In the Kṛi-

The Vāyu Purāṇa. tayuga, the Golden Age, there was no caste, no distinctions of high and low.

Perfect virtue, happiness and beauty prevailed. All lived to a good old age. All had Kalpa-vṛikṣas or trees of plenty at home. Later, greed and passion suddenly assailed human hearts. Then came into existence what is now called civilisation. Villages and towns were founded, forts were erected, social institutions were devised. Clothing and furniture were introduced.

¹ Ibid., III, 10 *et seq.*

² Ibid., III, 23–33. The Purāṇa also invokes supernatural punishments to reinforce earthly chastisement. (Ibid., 34–37.)

³ Ibid., III, 41–48, 49, 51, 54; IV, 10, 18–24.

Agriculture and other occupations came into vogue. Brahman grouped the people according to their character and deeds. Those who were disinterested, who spoke the truth and who explained the Vedas aright became Brâhmaṇas. Those who were suited for command and prone to violence became Kṣatriyas. Those who were rather feeble, and engaged in agriculture and industries fell into the order of Vaiśyas. Lastly, those who lacked vigour and strength, who were cleansers and who ran about on service were termed Śûdras. The social order is thus based on hard psychological facts, utility and divine sanction alike. It must be enforced by the government.¹

The Mârkaṇḍeya Purâṇa, though remarkably free from sectarianism, wants the rules of the social order to be enforced with the utmost strictness. All

The Mârkaṇḍeya Purâṇa.

must be kept within bounds, within their particular duties and occupations.

It is permitted to a high-caste man to marry, for the second time, into a lower caste but he must then fall to the lower rank. For example, a royal heir-apparent who married a Vaiśya forfeited his right to the throne and had to content himself with Vaiśya occupations.² On the king's paramount importance, his divine character, his qualifications and duties, on his ministers, officers, spies and so forth, the Mârkaṇḍeya repeats the Smṛitis.³ It emphasises the duty and wisdom of conciliating the subjects.

¹ Vâyu Purâṇa, ed. Rajendra Lal Mitra, (Bibliotheca Indica Series, Calcutta, 1880), Canto VIII, 60-61, 64-65, 78-80, 84-90, 92-97. For details of constructions, 98-123; for agriculture, 142-143; for caste, 157-159; for the scheme of duties, 161-164; for Āśramas or the fourfold division of Dwija life, 169. The Vâyu Purâṇa holds that the household stage is the root of all Āśramas (173).

² Mârkaṇḍeya Purâṇa, XXVIII, 33-36; CXIII, 19-21. There is an excellent translation of this Purâṇa by F. E. Pargiter, Calcutta, 1904. Wilson placed this Purâṇa in the 9th or 10th century. Pargiter brings it up to the 4th century A.D. (Introduction, XIII-XIV.)

³ Ibid., XXVII, 1-9, 10-16, 21-31.



Whosoever is an obstacle in the way of promoting the welfare of subjects, whether it be father or preceptor, kinsman or friend, should be killed by the king.¹

The Viṣṇu Purāṇa has an interesting theory of the growth of what is called civilisation. At first there was no society or state. The Siddhis, the perennial goddesses of bliss, bestowed everything on all in right royal profusion.

But after a while sin increased and people began to quarrel. No longer were they fit for the golden age. The Siddhis therefore inaugurated a new order of things. Agriculture, trade and other occupations were instituted. All the grains, vegetables and medicines were brought into being. Towns, walls, forts, moats, houses, and wells were laid out. Religious and moral rules were promulgated; the ritual was defined. Brahman created the four castes. It was the function of the king to uphold this order. The Purāṇa repeats the story of Veṇa from the Mahābhārata as a warning.²

The Matsya Purāṇa relates the history of man in yet greater detail, tracing the gradual appearance of mountains, rivers, lakes, etc., as well as of hunger, sin, greed and human instincts in general. Villages and towns developed late. Government was needed to educate the people into the mysteries of social life and to uphold the social order.³ The kingship was created by Brahman,

¹ Ibid., CXXXI, 27-28; CXXVII, 1. Canto XV describes the various punishments reserved for offenders in future life. For instance, he who carries away a deposit goes to hell and is then born a worm. Murderers of women and children are also born as worms. See XV, 1-4, 6, 13-16, 19.

² Viṣṇu Purāṇa (ed. T. R. Vyasachārya, Bombay, 1914), Canto VI, 6, 17-20. Also Canto XIII.

³ Matsya Purāṇa, Ch. XLVII. For the horrors of the Kali age when Śūdra kings will reign, see Ch. CXLIV, 30-47. On statecraft in general, Chs. CCXXII-CCXXVI. On law, penalties and finances. Chs. CCXXVII-CCXXVIII.

also to award the Devas their respective shares of sacrificial oblations.

The Brihannâradiya Purâṇa, which is really an Upapurâṇa wedded to the Vaiṣṇava faith, is one of the latest

The Brihannâradiya Purâṇa.

and most orthodox of Purâṇas. It prescribes peculiarities in the dresses of the different castes. It is at pains to reinforce earthly punishment by spiritual penances all regulated according to caste. It declares that Dharma varies according to aeons and that in the Kaliyuga, inter-caste marriage, sea-voyage, Vânaprastha, etc., are forbidden.¹

The Padma Purâṇa.

The Padma Purâṇa describes policy, diplomacy, manœuvres, etc., in the usual fashion.²

The Varâha Purâṇa, recited by Viṣṇu as Varâha or the Boar Incarnation to the personified earth whom he had saved from annihilation, contains only

The Varâha Purâṇa.

brief and scattered allusions to the creation of the world and the reigns of kings. Here and there it mentions monarchs who, tired of worldly prosperity, installed their sons on the throne and themselves departed to the forest to lead ascetic lives. It declares that Brâhmanas must be worshipped by all. They are the gods of all. None should display indignation or jealousy towards them.³

The Nṛsimha Purâṇa relates, *inter alia*, the story of Râma but contains only the usual reflections on government.⁴

¹ Brihannâradiya Purâṇa (ed. Hrishikesh Shastri, Calcutta, 1893), Ch. 22.

² Padma Purâṇa (ed. Mahâdeva Chimanjî Āpte, Poona, 1893), Vol. III, Chs. CCXVI—CCXXIX.

³ Varâha Purâṇa (ed. Hara Prasad Shastri, Calcutta, 1893), Ch. 218 (18—20).

⁴ Nṛsimha Purâṇa, Bombay, 1911.

The Kūrma Purāṇa, recited by the divine Tortoise Incarnation to the Rishis who sang his praises at the churning of the ocean, presents a vivid picture of idyllic existence and a perverted society. The world began with

The Kūrma Purāṇa. abundant Kalpa trees which showered necessities and luxuries on all at the prompting of the heart. When they disappeared at the commencement of the Tretâyuga, men were seized with greed. By the Kaliyuga or the present dark age, virtue departed from the earth. Men are now feeble, irascible, covetous and untruthful. Brāhmaṇas do not study the Vedas, nor repeat the hymns nor perform ablutions. They will associate with Śādras and join them in the performance of religious rites. "Princes, surrounded by Śādras, shall prosecute the Brāhmaṇas." Śādras will occupy higher positions than Brāhmaṇas. All alike will insult and disparage the Vedas and gods. That's what is destined to happen but what ought not to happen.¹

The Śrīmad Bhāgavata which is called a Purāṇa, but which is really an independent work inculcating the worship of Kṛiṣṇa, has a few political passages.² It is stated once that even a sinful monarch should not be disregarded by the people, for every monarch embodies the vigour of Lokapālas or protectors of the universe.³ But this doctrine, akin to that of passive obedience, is later qualified by the narration of the traditional story of the tyrant Veṇa's fate. Exasper-

¹ Kūrma Purāṇa (ed. Nilamani Mukhopadhyaya, Calcutta, 1890), Section I, Chs. XXIX-XXX. Cf. Swayambhū Purāṇa, Ch. VII.

² A late passage in the Padma Purāṇa says that Vyāsa, the traditional author of all Purāṇas as of the Mahābhārata, composed the Bhāgavata last of all and incorporated into it the essence of the foregoing Purāṇas. The Bhāgavata is greatly indebted to the Viṣṇu Purāṇa and Harivaṃśa Purāṇa. Probably it arose in the south, cf. XI, 5 (38-40). There are numerous commentaries on the Bhāgavata. That of Śrīdhara Swāmī is one of the best.

³ Śrīmad Bhāgavata, IV, 13, 23.



ated by his lawless conduct the R̥ṣis declared that the wicked man was not fit to rule. They put an end to his life by their breaths.¹ The king should be virtuous and vigorous, at whose advent disorderly persons would disappear as mice disappear before a snake. Nothing is more deplorable than anarchy. If there is no king, people are burnt like worms betwixt pieces of wood.² The Bhāgavata delights in its delineation of Prithu's character. True to his word, impartial to all, to his own son, as to his enemy's son, like a father to his subjects, like a servant to philosophers, like death to the wicked, he was the delight of all.³ The Earth must be duly protected. Once when she did not receive adequate protection, she refused to bear any herbs, etc.⁴ It was the king's function to educate his subjects into virtue, to set every one to his proper duty and to chastise the undutiful.⁵ The sceptre of dominion and the rod of justice can be wielded only by those who are versed in Vedas and Śāstras.⁶ Needless to say, the Bhāgavata repeats the traditional origin of caste, stresses Brahmanic supremacy, and wants the social order to be enforced by the state.⁷

The other Purāṇas and Upapurāṇas are politically in line with those noticed above. In authority, the Purāṇas admittedly rank below the Vedas but later they were recognised

¹ Ibid., IV, 14, 30—35.

² Ibid., IV, 14, 2-3, 7-8.

³ Ibid., IV, 16, 11—19, 21—26.

⁴ Ibid., IV, 18, 6—8. The Bhāgavata follows the Mahābhārata in ascribing the foundation of villages and cities to Prithu (IV, 18, 25—32).

⁵ Ibid., IV, 20, 14; IV, 21, 22, 24.

⁶ Ibid., IV, 22, 45.

⁷ Ibid., XI, 17, 3, 14-15, 19. For other Purāṇic political passages see the Garuḍa Purāṇa, Chs. 111—114, 143, 145. Some Purāṇas like the Liṅga and Brahmaivarta contain hardly anything political.



along with Smṛiti as sources of law. Attempts were made to bring the two classes of writings into mutual harmony. Whole chapters from earlier writings were sometimes incorporated into Purāṇas. Not only the Śrīmad Bhāgavata but sections of other Purāṇas also have formed the subject of long commentaries ever since. For instance, the Sūtasamhitā, incorporated in the Skanda Purāṇa, has a commentary called Tātparyadīpikā by Mādhavācārya himself. In this species of literature which still continues to grow, Purāṇic texts are explained and reconciled to each other and to Śruti and Smṛiti. The importance of Purāṇas extends beyond Brahmanic circles. The Purāṇic tradition, style and doctrine exercised a deep influence on Jaina and on Mahāyāna Buddhist literature.



CHAPTER VIII.

Buddhist and Jaina Theories of Government.

The post-vedic Brahmanic literature falls into several sections and reflects some social and political development,

but, as a whole, it is characterised by the same tone and temper. In the sphere of governmental theory, the Epics, the political and legal treatises, the Purâṇas

and general literature start from the same fundamental assumptions. But from the fifth century B.C. onwards, Brahmanism had to contend with two vigorous protestant movements—Buddhism and Jainism. They experienced many vicissitudes of fortune until one of them disappeared from India and the other sank into a small sect, but they produced a vast literature and gave rise to many social theories.

It is the Aśokan Edicts of the third century B.C. which, in the light of the latest researches, have a claim to be examined before any literary works for

The Edicts of Aśoka. Buddhist ideas on government. The 'be-

loved of the gods' appears as the moral teacher and spiritual guide of his subjects. The state over which he presides is a missionary state exerting its utmost resources in the propagation of Buddhism and piety and morality in general. The third Rock Edict, for instance, requires administrative officers to proceed on circuit every five years "as well for their other business, as for this special purpose, namely, to give instruction in the law of piety." Censors were appointed to watch over the Law



and the operation of justice.¹ Aśoka enunciates the paternal character of his government in so many words. In the Borderer's Edict of the Kalinga group, he wants his officers to make the people realise that "the king is to us even as a father; he loves us even as he loves himself; we are to the king even as his children." Hospitals, alms-houses, rest-houses, watering places, shady trees on the highways, and irrigation works are provided by the state.² The use of meat was hedged round by restrictions.³ The example and precepts of Aśoka had a profound influence on Buddhist theory of government. The new element which is introduced is that the state is given dynamic missionary functions.

The dates of Buddhist works are almost as doubtful as those of Brahmanical literature. The word of the Buddha is supposed to be contained in the Tripitaka or Three Baskets, Buddhist Scriptures.

(1) Sutta comprising the five Nikāyas or collections, (2) Vinaya giving rules of monastic life for monks and nuns in five sections—the Pātimokkha, Mahāvagga, Chullavagga, Sūttavibhaṅga and Parivara, and (3) Abhidhama, comparatively inferior, in which metaphysics is discussed in seven works. The whole canon exists in two versions; (1) in, Pāli the hieratic language of the Buddhists of Ceylon, Siam and Burma, and (2) in Sanskrit or mixed Sanskrit, the sacred language of Buddhism in Tibet, China and Japan. Rhys Davids, who relied chiefly on the Pāli canon, worked on the hypothesis that the four Nikāyas—the Dīgha or Long, Majjhima or Middle, Samyutta or Miscellaneous and Aṅguttara or Numerical, representing the sayings of the Buddha, were put together, "out

¹ Aśoka's Rock-Edicts, V, XII.
Pillar Edicts, VII.

² Pillar Edict, VII.

³ Pillar Edict, V.

of older material at a period about half-way between the death of the Buddha and the accession of Aśoka," that is, in the fourth century B.C. Other sayings, ascribed mostly to the Buddha's disciples, had been put into a supplementary fifth Nikāya, the Khuddaka or Minor Collection to which additions were made as late as the reign of Aśoka. But latterly there has set in a reaction against the acceptance of Buddhist traditional chronology. The dates of the Buddhist Councils, including the third one believed to have been held under the reign of Aśoka about 247 B.C., have been called in question. The Ceylonese tradition is, from the chronological point of view, now almost entirely set aside. It is argued that the whole Buddhist canon is posterior to Aśoka and could not have taken shape before the second or first century before Christ. Sylvain Levi shows that the Pāli idiom itself, which is the language of the southern canon, did not arise till sometime after Aśoka. Buddha and Mahāvira, the founder of Jainism, preached in some form of Prākṛit, Māgadhi or Ardha-Māgadhi. Nor does Aśoka use Pāli in his Edicts. For purposes of discussion, therefore, one must start only with the assumption that the Nikāyas existed about the first century B.C. The Pāli canon is earlier than the Sanskrit. It is impossible to assign definite dates to the various books. It can only be surmised that the Nikāya which is mentioned last is probably later than the others. It is clear that the Nikāyas do not represent the work of a single mind or age.¹

¹ See Rhys Davids, Preface to the Dialogues of the Buddha (Sacred Books of the Buddhists, Vol. II) pp. ix—xxii. Rhys Davids and Oldenberg referred the Vinaya and the Sutta Piṭakas to about the 4th century B.C., Sacred Books of the East Series, Vol. XIII, p. xxiii; Vol. XI, p. x. But the tendency of later research is against so early a date. See the Literary History of Sanskrit Buddhism (from Winternitz, Sylvain Levi, Huber), by G. K. Nariman. Sylvain Levi holds that the Vinaya of the Sanskrit canon was first codified in the third or fourth century after Christ (p. 9). In Sanskrit works Pāli expressions and titles naturally appear in Sanskrit form.



Buddhism branched off into the southern Hinayāna and northern Mahāyāna paths and later still into Mūlasarvāstivāda, Sarvastivāda and other sects, but it need hardly be added that Buddhists of all schools and particularly of the northern Sanskrit took over many Brahmanic ideas on society but, as rebels against Brahmanism, they recast their heritage and in several respects furnish a welcome antidote to the old tradition. Buddhists did not believe in a creator and could not call his interference to explain every earthly phenomenon. They indulge in fancy and mythology, but reason necessarily plays a greater part in their speculations than in those of Brāhmaṇas. In their political theory, human initiative and enterprise replace the divine hand and, altogether, count for more in social philosophy.

Indian political theory generally keeps close, perhaps too close, to political facts, but there is one form of

A Fanciful
Golden Age.

Utopianism which is occasionally met with. The philosopher was sometimes lost in the poet, and soared into a golden age with which the world began. But, as time passed, he quickly descended to the more solid earth, forgot his heavenly excursions, and busied himself with the phenomena around him. Thus, in the *Dīgha Nikāya*, one of

Ethereal Life.

the most important of Buddhist works, the Brāhmaṇa Vasettha (Vasiṣṭha) enquires of the Buddha, if the Brahmanic claim to supremacy was just. The Buddha, or rather the author, replied in the negative, and called a fanciful history to support his view. There was a time when people were perfect, so perfect that they had nothing corporeal about them. The ethereal beings shone in splendour, enjoyed peace and effulgence, danced in the air, and lived for long. The trance of happiness and tranquillity lasted for ages. But at last the pristine purity declined, and rottenness began. Differences of sex manifested



themselves, and then came distinctions of colour. In a word, life fell from the ethereal into the physical plane. Now shelter, food and drink were required.

Fall into the physical plane. People entered into agreements among themselves and set up the greatest of human institutions—the family and private property. But new problems arose. There appeared theft

Family and Private Property. conduct. Once more the people gathered together and agreed to choose a chief who would maintain the social order and judiciously inflict punishment. In return they would give

Agreement to set up a king. him a part of their paddy. So the most gracious and powerful of individuals was elected Chief. He was the Mahā-

Purpose of the State. sammata or Great Elect. He was the Rājan—one who delighted the people. The king is the leader and guide of the people. In the Kūtadanta

Revenue. Sātta, a king supplied food, seed-corn, capital and wages to the followers of various occupations according to their needs and thus freed his

and brought peace and security to all. The same story occurs in a 'mixed Sanskrit' Life of the Buddha, the Mahāvastu Avadānam, which is full of

The Idea of the Pact. Jātaka and other tales and which displays strong Brahmanic influence. Here creatures gather together and raise the mightiest of individuals to the kingship in order to reward goodness and punish evil.¹

¹ Agganna Suttanta, Dighanikāya, Vol. 3, Sec. 27, P.T.S. Edition. Mahāvastu, ed. Senart, I. 347-48. Rhys Davids, Dialogues of the Buddha, 175-177. Ghoshal, Hindu Political Theories, 119. It is interesting to compare the Buddhist Golden Age with the Stoic Golden age. The Sukhāvatīvyūha, of which the Sanskrit original has disappeared and which is known only from Chinese translations,



The Buddhist tradition of the origin of society and government is faithfully reproduced in the fifth volume of the

A fuller version. Tibetan Dulva, the Vinaya compilation (in thirteen volumes). It appears as the story of the renovation of the world after its destruction. Many of its previous inhabitants had been born in the region of the Ābhāsvara devas where they had ethereal bodies, free from all impurity, perfect in appearance, radiant with light, feeding on joy, moving at liberty through space and living to great ages. Gradually, solid earth was formed, the sun and moon and stars appeared; distinctions of time became perceptible. The manifestation of sex was followed by feelings of love and conjugal relationships. When the practice of eating commenced, differences in the quantity and quality of food produced differences of colour. Then "sinful beings" commenced the practice of building houses and of hoarding, which led to heart-burning and to the deterioration of the grain itself. "Then these beings assembled together in sorrow, grief, and lamentation, and said, "Sirs, formerly we had ethereal bodies.....Let us draw lines of demarcation and establish boundaries between each one's property." They did so and said, "This is thine—this is mine." Theft appeared a little later. Then the people thought, "Let us, in view of what has just happened, assemble together, and choose from out of our midst those who are the finest-looking, the largest, the handsomest, the strongest, and let us make them lords over our fields, and they shall punish those of us who do what is praiseworthy, and from the produce of our fields and of the fruits we gather we will give them a portion." So, they selected a Chief and made him lord over their fields with these

makes another startling effort of the imagination. It paints a paradise of kalpavrikṣas, trees of plenty, lovely rivulets, no mountains, and perfection in physique and mind.



words; "Henceforth thou shalt punish those of us who deserve punishment, and thou shalt recompense those of us who deserve recompense, and we will give thee a portion of the produce of our fields and of the fruits we gather." The Chief was a regular King. From his receiving the homages of many, he was called 'Honoured by many, or Mahāsanmata,' and as he was lord over the fields and kept them from harm, he received the name of 'Protector of the fields or Kṣatriya'; and as he was a righteous man and wise, and one who brought happiness to mankind with the law, he was called 'King or Rājā'.¹ Sometime after appeared caste, based on distinctions of occupation. Noticing the origin of property in the first building of houses, the author remarks that the lawfulness or otherwise of the division of houses depends on the decision of the king "who is the lord of the law."² With the exception of a few passages, a similar account is given in the third volume of the *Dulva*.³ Here divine interposition is conspicuous by its absence; reason and expediency alone determine the formation of the state. Government derives its validity from consent. It exists to fulfil certain definite needs. It is difficult to ascertain whether the idea of the pact originated with the Buddhists or they borrowed it from previous Brahmanic thinkers and merely stripped it of its supernatural elements. The latter hypothesis is the more probable. But it is clear that the idea owes its full development to Buddhist influence. It lost ground in the age of the *Smṛitis* and *Purāṇas* but it did not altogether die out. A Hindī

¹ The Life of the Buddha.....derived from Tibetan works in the *Bkah-Hgyur* and *Bstan-Hgyur*, translated by W.W. Rockhill, pp. 1-7.

² *Ibid.*, pp. 8, 5.

³ *Ibid.*, p. 1.

Ms. of Bundela genealogy of the 17th century has a curious preface in which government originates in a pact though supernatural aid is also called in.¹

Buddhism represents a revolt against Brahmanism. Buddhist social theory confers no privileges on Brāhmaṇas.

No privileges conferred on Brāhmaṇas. It denies sanctity to those who commonly passed as Brāhmaṇas. Referring obviously to Brahmanic practices, the northern

Dhammapada, an anthology of verses taken chiefly from five Nikāyas, remarks that nakedness, long hair, dirt, fasting, sleeping on the ground or sitting motionless does not bring purity and does not resolve doubts. One does not become a Brāhmaṇa by his family, by his long looks, by his lineage. Real Brāhmaṇas are those who are endowed with virtue and purity and who know the law.² The Majjhima Nikāya admits the primacy of the Brāhmaṇas and Kṣatriyas in social etiquette,³ but later in the dialogue of the Madhura Sutta, it expressly denies the utility of caste in securing happiness in this life or in the next. It denies caste privilege before the law and more than anything else insists that caste is wholly immaterial in ascetic life.⁴ In the Dīgha Nikāya, a Brāhmaṇa, Ambattha, repeats the current Brahmanical

¹ The genealogy is preserved in the State Library of Chhatarpur in Central India. For a detailed notice, Beni Prasad in the Journal of the U. P. Historical Society, 1922.

² See the Udānavarga, translated by Rockhill, Ch. XXXIII.

Dhammapada, Ch. XXVI. Max Müller's translation, pp. 90—96.

The Udānavarga is a collection of verses from the Buddhist canon compiled by Dharmatrāta representing the northern Buddhist version of Dhammapada. It has been translated by Rockhill from the Tibetan of the Bkah-Hgyur.

³ Majjhima Nikāya, 90, Kaṇṇakathala Sutta.

⁴ Majjhima Nikāya, 84, Madhura Sutta. See also Vinaya Piṭaka, Chullavagga, IX, 1, 4.

doctrine that Kṣatriyas, Vaiśyas and Śūdras had been created to serve Brāhmaṇas but the Buddha does not admit the claim and silences the interrogator by some awkward questions on his own parentage. In the same dialogue, Kṣatriyas are shown to be higher than Brāhmaṇas.¹

A similar sentiment about caste-prerogatives is evident in the Jātakas, the stories of the Buddha's previous births,

The Jātakas. one of the noblest monuments of Buddhist literature. Tradition will have it that

550 Jātaka stories were taken by the royal missionary Malinda to Ceylon during the reign of Aśoka in the middle of the third century B.C. They were translated from the Pāli into Singhalese and back into Pāli by Buddhaghosa in the fifth century A.D. It is in this translation that the Jātakas have come down to us. But in accordance with the tradition they were long believed to reflect the thought and conditions of the Buddha's time or the period immediately following. Recent research, however, has considerably brought down their dates. "The Jātaka book," remarks Prof. Keith, "is a strange conglomerate of old and new verses with new prose; some of its tales, as we know from Buddhist sculpture and a stray citation or two, go back to the Aśokan epoch or shortly after; as folklore its contents are often of undeniable age, but as Buddhist fables their antiquity is uncertain."² The bulk of the Jātaka

¹ *Dīgha Nikāya*, III, 1, 15. Rhys Davids, *Dialogues of the Buddha*, pp. 114—117, 119—122. The *Sonadanda Sūta* (*Ibid.*, 144—159) makes another attack on Brahmanic supremacy.

² Keith, *Buddhist Philosophy*, p. 22.

Fick (tr. Maitra, pp. ix-x) assigns the Jātakas as a whole to the age of Buddha, remarking that "many of the Jātakas are undoubtedly very old and belong, so far as their origin is concerned, to the pre-Buddhistic period." Rhys Davids (*Buddhist India*, p. 207) inclines definitely to an earlier period. Max Müller (*Preface*, p. xv, to the first volume of the *Sacred Books of the Buddhists Series*) perceived

stories may be presumed to have existed about the commencement of the Christian era, though some are later still. In numerous passages, they breathe a Purāṇic atmosphere. All the more it is interesting to compare their tone and ideas with those of the contemporaneous Brahmanical literature. In the Jātakas caste is assumed to exist. The institution was too powerful to be ignored or uprooted. But the exaggerated claims based on birth are not admitted. In the Dasabrāhmaṇa Jātaka, a debate between two young men on birth or action as the basis of caste, is referred to Gautama who declares that the followers of pastoral, agricultural, industrial, commercial or martial pursuits could not be called Brāhmaṇas. Here the obvious allusion is to those who claimed Brahmanic privileges on the score of caste but who had renounced scholastic or priestly callings. The Jātakas do not proclaim like the Brahmanic dharmasāstras that one of the prime duties of the king is to enforce the rules of the social order and set every one to the performance of his caste function. Times without number it is emphasised that caste is useless for Nirvāṇa, the *summum bonum* of life. In many stories again, Brāhmaṇas play a rather ignominious role.¹ From the point of view of governmental theory, it is highly significant that in the Jātakas Kṣatriyas are generally mentioned before Brāhmaṇas. Here, as Fick observes about the Pāli texts as a whole, the term Khattiya is to be understood

that for the text of the Jātakas, we must, strictly speaking, be satisfied with the time of Vattagāmaṇi, 88–76 B.C., when the Buddhist canon was reduced to writing. The Jātakas or stories of the Buddha's previous births, and Avadānas, deeds of heroism or their narration, sometimes as Bodhisattva Avadāna, identical with Jātakas, formed the most popular theme for Buddhist writers. I-tsing (tr. Takakusu, p. 166) testifies to the popularity of Jātakas in the 7th century.

¹ For instance, see the Sambhava Jātaka, V, 27. Jūṇha Jātaka, IV, 96.

in a rather narrow sense roughly corresponding to Vedic Rājanyas and thus practically confined to the ruling class. They symbolise the state. But excepting a few passages in the early Brāhmaṇas, no Brahmanic writer would accord them precedence over Brāhmaṇas. It is probable that the Jātakas only reflect the actual state of things in some part of the country, probably Eastern India, where Buddhism had obtained a firm hold.¹ It is possible to glean something further about social and political conditions from the Jātakas, but unfortunately, these long works contain very little governmental theory. In the Daśarājadharmā or the catalogue of Ten Duties for the king, there is nothing political. The king is required to lead a religious, upright life, *inter alia*, to cultivate patience and a yielding disposition and 'not to cause any pain to anybody.'² In other passages the king is enjoined to be truthful, righteous, and incorruptible and to refrain from cruelty and drunkenness.³ In the paucity of direct political

¹ See the Uddālaka Jātaka. "Khattiya, Brāhmaṇa, Vessa, Sudda, Chaṇḍāla and Pukkusa can all be virtuous, self-restrained and can attain Nirvāṇa; is there any among them, when they have all attained peace of the soul, who is better or who is worse?" Also the Sīlavimamsa Jātaka (III, 194). Ambā Jātaka, IV, 205. "Among the Khattiyas, Brāhmaṇas, Vessas, Suddas, Chaṇḍālas and Pukkusas, he is the best from whom one can learn what is right." In the Tittira Jātaka (I, 217), on the other hand, some Buddhist monks admit that Brāhmaṇa or Kṣatriya brethren were entitled to the best diet and accommodation. Buddha, however, would admit no such caste-privileges. For the primacy of Kṣatriyas over Brāhmaṇas, Minajacca, III, 452, V, 257. Fick, the Social Organisation in North-East India in Buddha's Time, tr. Shishirkumar Maitra, pp. 81—90. Pukkusa means a despised mixed caste, generally, the offspring of Nigādas with Śūdra females. Cf. Manu, IV, 79; X, 18, 38; XII, 55.

² Jātakas, III, 274, 320.

³ Ibid., Khantivādi Jātaka, II, 319; Chulladhammapāla Jātaka, III, 178; Bharu Jātaka, II, 169.



theory, it may be permitted to refer to a tragedy in the Padakusalamānava Jātaka which illustrates the author's conception of the position and duties of the king *vis-a-vis* his subjects. A young Brāhmaṇa discovers a king and his purohita to be thieves and cries out to the people:—

"May the householders and citizens assembled here listen to me! What should be water is fire, where safety is expected, from there comes danger."

"The king plunders the land as also the Brāhmaṇa, the purohita. Be on your guard; from your protector is your evil generated."

The people are enraged, take up sticks and hammers and beat the king as well as his purohita to death. They raise to the vacant throne the young Brāhmaṇa who had caused the hubbub.¹

In the Jātakas as elsewhere in Indian literature the king is expected to protect the people against foreign

aggression and any form of internal disorder or oppression and to administer impartial justice. The ministers should help the king in the performance of his duty. In the Rathalatthi Jātaka, the minister of justice who happened to be the Bodhisattva, the Buddha in a past life, impresses on the king the necessity of due investigation into a case before pronouncing the sentence.² There was an idea that the king could do as he liked with those who had violated the

¹ Padakusalamānava Jātaka, III, 501. For another similar incident, see Sachchampira Jātaka, I, 326.

² Rathalatthi Jātaka, III, 104. "A lazy fellow given to sensual indulgence is not good, an ascetic who does not control himself is no good, a king is not good who acts without investigation, a wise man who is angry is also not good. The king should act after he has heard, O ruler! Honour and fame fall to the lot of him who acts after investigation, O king."



law but that he could not regard himself as a despotic sovereign in general.¹

The Jātakas mention the king's share of the produce² but do not embody any theory or rules of taxation. It is

Miscellaneous. clear that the property of those who died without heirs escheated to the king.³

The Jātakas mention ministers and Senāpati or commander of the forces. These officers are not always drawn from the Brāhmaṇa or Kṣatriya caste but no attempt is anywhere made to demarcate their functions.⁴ The purohita or domestic priest of the king is frequently in evidence in the Jātakas. He appears as the king's friend and adviser and now and then as a regular state officer deciding law-suits.⁵

Far different in style from the Pāli Jātakas is the Sanskrit work called Jātakamālā (the Garland of Birth-Stories) ascribed to Ārya Śūra. It belongs to the northern Buddhist canon and was composed probably in the 4th century A.D.

All its legends, thirty-four in number, are derived from the traditional store and have been identified with the corresponding ones both in southern and northern collections. But the author modifies them in his narration and adds touches of his own. Tārānātha, the great Tibetan

¹ A king made a Yakṣiṇī his chief queen and was requested by her to grant her complete power over his kingdom. He replied, "My love, in no way do all the subjects of my kingdom belong to me, nor am I their lord; only over those who rise against the king and do wrong am I lord. Therefore, I cannot give you unrestricted power over the whole kingdom." I, 398.

² Jātakas, II, 378; IV, 169.

Once on the failure of crops, the king feeds the villagers who promise to pay him a share of their next crops (II, 135).

³ Mahāyaka Jātaka, III, 299. Also IV, 485, where a king says, "Unclaimed wealth comes to us."

⁴ The Senāpati occupied a most important position. Disappointed with king, the inhabitants of a city declare that they will inform the Senāpati of their situation.

⁵ Jātakas, II, 376, 282, 187; IV, 270; III, 159.



historian of Buddhism, identifies Ārya Śūra with the well-known Buddhist poet, Aśvaghōṣa, who flourished about the first century A.D. The statement is open to doubt but the florid kāvya style of Ārya Śūra certainly points to the period when that species of narration was widely cultivated in India. Ārya Śūra has probably suffered from interpolations but the main text seems to be pure.¹ He is none too rich in political reflections but the Buddha was a king or a high personage in so many of his previous births that every Jātaka writer must sketch an ideal monarch, minister or mayor. Once when he was a king of the Śibis, he is represented as "distinguished by energy, discretion, majesty and power." He embodied all the virtues pertaining to Dharma, Artha and Kāma—a reminiscence of Brahmanic thought. Of course, the Bodhisattva "ruled his subjects as if they were his own children." He rejoiced at the sight of mendicants whom he could relieve. In all parts of the town he erected alms-houses and provided every kind of grains, goods and utensils. "In this way he poured out the rain of his gifts, not unlike a cloud of the Krita Yuga." Every one got what he wanted—food, drink, couches, seats, dwellings, meals, perfumes, wreaths, silver, gold or anything else. Everyone was summoned by proclamation to declare his need.² In the next story, as king of Kośala, the Bodhisattva displays the same virtues and generosity.³ In the eighth story as king Maitribala he appears as entering into all the joys and sorrows of his subjects, handling both his sword and his law in the protection of his subjects. His sword, however, was merely an ornament, for other kings waited on him respectfully for orders. He dealt out punishments and

¹ The Jātakamālā, tr., J. S. Speyer, Sacred Books of the Buddhists, Vol. I. See Max Müller's Preface and the Translator's Introduction.

² Jātakamālā, Story II. Speyer's translation, pp. 8—14.

³ Ibid., Story III, p. 20.



rewards without infringing righteousness.”¹ In the tenth story, Bodhisattva as a universal sovereign finds his realm afflicted by a famine and is strongly advised by his Brāhmaṇa Councillors to neutralise the disaster by performing a Vedic sacrifice. But he would not consent to sacrifice animals and gets out of the difficulty by proclaiming to assembled townsmen his intention of sacrificing a thousand blackguards and thus leading all to behave righteously. He ends by providing relief to all who were in want of anything.²

In Buddhist as in Brahmanic literature, the monarchy is the predominant type of polity but in the Dīgha Nikāya,

Conditions of
success in re-
publics.

Gautama Buddha is represented as laying down the conditions which would secure prosperity to the republican Vajjian clans.

He gives a dose of conservatism to those who might be inclined to rush headlong into innovations. He insists that time-honoured customs and usages must be maintained. Nothing that is not already established should be enacted. Nothing that has been enacted should be abrogated. The elders must be honoured, esteemed, revered and supported. It must be a point of duty to hearken to their words. Justice and fairness must be followed. Women or girls should not be detained by force or abducted. The spiritual interests should not be neglected. The Arhantas or the Buddhist ascetics must be protected, defended and supported. The sacred temples (Chaityas) must be revered and supported. Turning to constitutional affairs, Buddha wants the republicans to hold full and frequent assemblies. They

¹ Ibid., Story VIII, p. 56. See also Story IX, pp. 71–92. In this story, Ārya Sūra refers to his hero mastering the essential contents of the Trayī or the three Vedas and metaphysics. Writing in Sanskrit, the author found it impossible to avoid Brahmanic phraseology.

² Ibid., Story X, pp. 93–104. See also Story XIII for righteous rule. For the Bodhisattva as an ideal prince, Story XXXI, p. 292.

must "meet together in concord and rise in concord and carry out Vajjian business in concord." So long as these wholesome rules were observed, "so long may the Vajjians be expected not to decline but to prosper."¹

One of the notable figures in Buddhist literature is Aśvaghōṣa who composed in Sanskrit about the first century

A.D. and who may be regarded as the forerunner of Kālidāsa. Sprung from a Brāhmaṇa family, he was a master of Sanskrit learning. In his *Saundara Nandam Kāvya*, Aśvaghōṣa tells us that some princes founded a city but discovered that if its affairs were to prosper they must have a king. The earth without a supreme lord is like the firmament without the moon. So the princes raised to sovereignty one of themselves who was senior to the rest in age, 'discipline,' and accomplishments. Here the kingship rests on the basis of consent and is purely secular in origin, thanks to Buddhist influence. The sceptre is always to be wielded for the sake of virtue, not for the sake of selfish gratification. The king should be the guide and teacher of his subjects.²

In the *Buddha Charita* or *Life of Buddha* which enjoyed tremendous vogue all over the Buddhist world, Aśvaghōṣa

The *Buddha Charita* of Aśvaghōṣa.

paints Śuddhodana as the mighty and glorious leader of his people. "He illumined his people on every side, showing them the paths which they were to follow."³ He had numberless councillors. Śuddhodana was not really

¹ *Dīgha Nikāya*, *Mahāparinibbāna Suttanta*, translated in Rhys Davids, *Dialogues of the Buddha*, Part II, pp. 79–85. Buddha repeats the same precepts in the *Anguttara Nikāya*, VII, 19.

² *Saundara Nandam Kāvya* by Aśvaghōṣa, edited by MM. Hara Prasād Shastri, *Bibliotheca Indica*, New Series, No. 1251. Calcutta, 1910. See Canto I, pp. 7–8; Canto II, p. 9. For Aśvaghōṣa see below Ch. X. Tārānātha says that the author *Matriceta* was the same as Aśvaghōṣa.

³ Aśvaghōṣa, *Buddha Charita*, I, 12.

⁴ *Ibid.*, I, 14.



a king but the chief of a republican clan. But by the time of Aśvaghōṣa republics were a thing of the past and the clansmen were taken to be counsellors. Aśvaghōṣa wants that princes should receive a thorough education.¹ The king takes one-sixth of the produce as price of the protection he affords. Śuddhodhan was gentle and kind to all. Guilty persons were reformed with gentle words.²

In another remarkable work called *Sâtrâlaṅkāra* (known only through Chinese translations), a collection of pious legends after the *Jâtaka* and *Avadâna* pattern, Aśvaghōṣa repeats similar ideas.

In an interesting passage he wants an heir-apparent to study the following subjects:—

“The Veda, archery, medicine, sacrifices, astronomy, grammar, the origin of writing, the performance of sacrifices, eloquence, rhetoric, the art of love, interest, purity of families, the ten names, computation, chess, dice, the study of origins, music and song, the art of playing on the conch, dancing and laughter, the art of the prestidigitarian, education, the making of garlands of flowers, massage, the science of precious stones and valuable materials for clothing, silk, sealing, weaving, wax work, strategy, sewing, sculpture, painting, literature, arrangement of garlands, interpretation of dreams, interpretation of the flight of birds, horoscopes of boys and girls, the training of elephants, the art of playing on the tambourine, the rules of battle array, the domesticating of horses, the carrying of the lance, jumping, running, and fording a river.”

A still more interesting passage occurs in the *Vajra-śūchi*, another of the numerous works of Aśvaghōṣa. Here caste is attacked on psychological ground. All human beings

An attack on
Caste.

¹ Ibid., II, 24.

² Ibid., II, 42, 44.



are "in respect of joy and sorrow, love, insight, manners and ways, death, fear and life all equal."¹

Another famous Buddhist author, who, according to Tārānātha, was a king in Saurāṣṭra or modern Gujrāt, wrote a compendium called Śikṣāsamucohaya, Śāntideva. a commentary on his Kārikās. But he is content to repeat the ordinary precepts and is, on the whole, disappointing.

About the third century A.D. Āryadeva incidentally offered some political reflections in his Chatuḥśatikā. The king is the servant of the people and the revenue represents his wages. Āryadeva. Righteousness is supreme. If it is forsaken by a king, the world goes to ruin. In all public affairs, military or diplomatic, the rules of morality must be observed. Āryadeva did not believe in the doctrine of Reason of State.²

The Lalitavistara, one of the most sacred of Mahāyāna texts, a work in Sanskrit prose and mixed Sanskrit verse, which has had many Chinese, Tibetan, and Burmese versions, gives the life of Buddha and frequently refers to royal affairs, but it is content, to repeat, in a fragmentary way, the political wisdom of its predecessors.³

Both the Jātakas and Dhammapada formed the subject of huge commentaries which have been ascribed to Buddhaghōṣa,

¹ G. K. Nariman, *op. cit.*, pp. 36-40, 200-201. Both I-tsing and Tārānātha speak of Aśvaghōṣa as a peerless poet.

² Āryadeva, *Chatuḥśatikā*, pp. 462-464, Ghoshal, *Hindu Political Theories*, pp. 209-212. Both Yuan Chwang and I-tsing mention Āryadeva as a great and ancient teacher of Mahāyāna.

³ The *Lalitavistara*, ed. Rajendra Lal Mitra, 1877, and Lefmann, 1902, is placed by Buddhist tradition at the period of the first Council but it is clearly a very late work.



The Commentaries on the Jātakas and the Dhammapada.

the great Buddhist writer who flourished about the fifth century A.D. But their language and style are so entirely different from the undoubted productions of Buddhaghosa that the traditional authorship cannot be accepted.¹ But it has not yet been possible to discover their real authors. The two commentaries breathe the same tone; in fact, the Dhammapada commentary is dependent on that of the Jātakas. The former is probably later than the fifth or sixth century A.D. The Dhammapada Attha-kathā, as it is called, illustrates the Buddha's dialogues by 299 stories.² The Buddhists who specialised in the art of imparting moral instruction through tales, ransack all walks and situations of life to inculcate ethical doctrines. In the Attha-kathā, as in the Jātakas, kings and ministers flit across the stage. The worthlessness of regal splendour is only too often brought out but there are numberless exhortations to righteous rule, impartial justice, mercy to the distressed, protection of all. Here, as elsewhere, the ideal of a universal empire is tacitly accepted and approved.

JAINA POLITICAL THEORY

In point of extent, Buddhist political literature is surpassed by the Jaina. The method and tenets of the science of government evolved by Brāhmaṇas in the long course of centuries were adopted by the Jainas. In its origin Jainism was contemporaneous with Buddhism or older than it. It spread to every corner of India and was professed by kings of many dynasties in the south and

¹ See Rhys Davids, *Buddhist Birth Stories*, pp. LXII—LXVI. Winternitz, *History of Buddhist Literature*, 152—154. Burlingame *Buddhist Legends*, Introduction, pp. 59-60.

² The Stories have been translated by E. W. Burlingame, in the *Buddhist Legends*, Harvard Oriental Series, Vols. 28—30.

the west of the country. It produced a Sanskrit and Pāli literature which, in its vastness and variety, challenges comparison with Brāhmaṇic and Buddhist lore. According to the universal tradition, Jaina Siddhānta or doctrine was reduced to writing only in the fifth century A.D. at the council of Valabhi which was presided over by Devarddhi Gaṇin, but the theological and philosophical works certainly go back to older times. Those which contain political reflections belong to the age which saw the rise of Hindu Smṛitis and Purāṇas. In the hands of Jaina authors the current theories of the origin and character of government receive a fresh turn or elaboration which merits attention. One of the finest presentations of Jaina theory occurs in the Ādi Purāṇa which was composed by Jinasenāchārya and, after his death, continued by Guṇabhadraçhārya, in or about the eighth century A.D.¹

The fall of man or rather the fall of the times from pristine purity, virtue and happiness had for long been the

accepted belief of Hindus. The decline

The Cycle of
Ages.

had been gradual and had extended over millions of centuries. The Jainas refine

the idea and join to it their theories of the origin of society and government. They believe in a two-fold cycle each con-

¹ The text of the Ādi Purāṇa has been published with a Hindi translation by Lala Ram Jaina. Syādvāda Granthamālā Series, No. 4. For Jinasena, see the Ādi Purāṇa, Prastāvanā, 55—58, Uttarā Purāṇa, Praśasti, particularly, 11-12. The account of his life in the Hindi poem Jñānaprabodha, 9—17, is unreliable. See also Bakhat Rama's Buddhivilāsa. Jinasena lived from about 753 A.D. to about 848 A.D. Both he and Guṇabhadra spent most of their time in Mahārāṣṭra and Karnaṭaka. The Harivaṃśa Purāṇa was composed at the same time by another Jinasena who is often confused with his more famous contemporary. The Vardhamāna Purāṇa and Jinendraguṇastuti which the author of the Ādi Purāṇa is believed to have written have not yet been recovered.

sisting of six ages, (1) Sukhama-Sukhama or Happy-Happy, (2) Sukhama or Happy, (3) Sukhama-Dukhama or Happy-Miserable, (4) Dukhama-Sukhama or Miserable-Happy, (5) Dukhama or Miserable and (6) Dukhama-Dukhama or Miserable-Miserable. The cycles succeed each other in the inverse order of ages so that the last age of the first, the period of intense misery, is the same in character as the first age of the second cycle. The ages vary in duration so as to allow longer spans to periods of happiness. The number of years in a whole cycle is too long to be expressed in any mathematical terms. In the first period men and women enjoyed a span of existence which baffles calculation. They had bodies of which the height is to be measured by thousands of yards. Their complexion was that of shining gold. Their countenance was as beautiful as their virtue was perfect. In that blissful state there was no question of earning a livelihood. There were numbers of Kalpa-trees which, besides being radiant sources of light, bestowed food, flowers, clothes, ornaments, musical instruments, houses, etc., on every one at the merest prompting of his heart. All these blessings diminished a little in the second age and to a marked degree in the third which witnessed some profound changes in the universe. It was in this age that the sun and the moon were first seen in the heavens. At their sight, people were surprised and alarmed. They betook themselves to Pratiśruti, the only person who enjoyed a pre-eminence in that society of perfect equality. He was the first Kulakara or patriarchal lord. He explained that the light of the Kalpa-trees was fading away and the planets had therefore become visible. There was no cause for fright. The people felt reassured, profusely thanked and praised the patriarch and, in obedience to his suggestion, returned home. But as years rolled on in their countless myriads, other profound and alarming changes came into view. The stars became



visible in the firmament and mountains and rivers appeared on earth. Animals which had so far been perfectly harmless now became ferocious. The innocent folk were seized with alarm but, fortunately, there appeared a series of patriarchs to teach them how to adapt themselves to the changing environment. They told them how to protect themselves from brutes, how to tame and break elephants, horses and other animals, how to climb mountains and how to make canoes for crossing the rivers. Meanwhile, the Kalpa-trees were steadily diminishing in number. The people quarrelled with ever-increasing ferocity over the remainder. The fifth lord, Simantaka, marked the trees and fixed their bounds. The sixth, Simandhara, demarcated them yet more clearly. During the age of the eleventh lord, Nābhi, the Kalpa-trees disappeared altogether. Cloud and rains came for the first time and the earth began to shoot forth ordinary trees and herbs, flowers and fruits. The people approached Nābhi and inquired what they were like, whether beneficial or injurious. The patriarch gave them a long lecture and demonstration. He taught them how to use and cook the products of the earth and also warned them against the poisonous plants. Now the whole life of man was transformed. Rṣabhadeva, the last of the patriarchs, established six occupations, martial, agricultural, literary, artistic, commercial and industrial. He instituted three castes, Kṣatriyas, Vaiśyas and Śūdras, combining in each group men who were best fitted to fulfil its purpose. He divided Śūdras into two sections, (1) washermen, barbers, etc., and (2) the rest. The latter were further subdivided into touchables and untouchables. He planned and built villages and towns, grouping the former into circles of eight hundred, four hundred and two hundred. He divided the earth among four great kings and placed a thousand smaller monarchs under each of them. He also founded



the institutions of punishment and imprisonment. So far, chastisement had taken the form only of mild rebukes but something harsher was now necessary.¹ The transformation of the Bhogabhūmi or sphere of enjoyment into Karma-bhūmi or the sphere of action was now complete. Coercive authority was essential to the preservation of man. Nothing

else could restrain the wicked from wicked ways. But for coercion the world would present a condition of the Mātsyanyāya, the Logic of the Fish.² Briefly, such is the account of the origin of society which occurs in the Ādi Purāṇa and other Jaina works. It is an adaptation of a current belief which appears in some of the Purāṇas. In the light of the rest of Hindu political theory, its most striking feature is the elimination of the divine creation of institutions. Jainism does not believe in a Creator; it is atheism though it declares that the ordinary soul can evolve into what it calls the godhead. Jaina theory, accordingly, relates the growth of institutions to changes in the environment. It does not regard economic or political institutions as essential to pure happiness. In fact its golden age is free from the whole paraphernalia of what is called civilisation. In those aeons of perfect happiness, human nature is painted as simple and innocent. That is what explains the imperative necessity of guidance. It fell to the patriarchal lords to initiate men into economic and political life. Here is an indication of the function of government. Its mission is educational in the widest sense of the term. It is to lead the whole people in all that concerns them. In the Ādi Purāṇa Rīṣabha leads the folk to virtue.³ The government is more than protective and paternal. In the

¹ Ibid., Parva III, XVI, 130—190, 241—245, 255—57.

² Ibid., XVI, 250—252.

³ Ibid., XVI, 271—275.



Jaina account, government is not instituted by any definite contract. Pre-eminence on one side and need of guidance on the other establish a certain relationship. In course of

The Jaina time, as necessity demands, this informal Theory of Caste. relationship is converted into one of rulers and ruled. To complete the Jaina theory of caste, it is to be added that after Ṛṣabhadeva, the last of the Kulakaras and first of the Tīrthakaras, his son Bharata assumed the lordship of the world. He selected a number of persons from the three castes, grouped them into a fourth caste and called it Brāhmaṇa. Thus, all the castes were created by the early lords to meet the exigencies of life. Jainism could not attribute divine creation to them, but the Ādi Purāṇa makes a rather clumsy attempt to approximate its account to the orthodox Hindu version of the Puruṣasūkta of the Ṛigveda. There the castes had sprung from the different members of the body of the primeval Puruṣa. The Ādi Purāṇa declares that Ṛṣabhadeva instituted the order of Kṣatriyas with weapons in his hands. Indicating the ways of travel, that is, of commerce, with his thighs, he brought the Vaiśyas into being. With his feet he created Śūdras. In his turn, Bharata, teaching the Śāstras with his mouth, created Brāhmaṇas.¹ It must be remembered that, according to Jaina theory, all these castes, including Brāhmaṇas, professed Jainism. It was much later that they fell into "falsehood." Bharata himself had had some ominous dreams, which were interpreted by his father Ṛṣabha to mean that his order of Brāhmaṇas would, in the fourth age, renounce Jainism and formulate a cult sanctioning the slaughter of animals and various superstitions. The Ādi Purāṇa is at pains to demolish the privileges of ordinary Brāhmaṇas—those who did not follow Jainism. It declares that mere birth confers no superiority; as for merits, these

¹ Ibid., XVI, 241—245, 246,

Akṣaramlechchhas or barbarians who knew only words without their sense were devoid of all virtue. It was absurd to respect them or to exempt them from taxes. They should be treated and taxed like others.¹ Jaina kings should not accept any blessings from them or from any other non-Jainas.² The Purāṇa provides debating arguments to Brāhmaṇas instituted by Bharata whom the other Brāhmaṇas might taunt with lack of true Brāhmaṇahood. If they were told that their family was still the same as before, they should reply that Jinen-dradeva had produced them from his womb of knowledge and that they had sprung from the mouth of Brahma Bhagwāna. True, the descendants of Brahman were to be called Brāhmaṇas but the real Brahman was the Jaina lord. They had attained to respect through religious meditation and practices and could not be regarded as outcasts. While demolishing the claims of ordinary Brāhmaṇas, the Ādi Purāṇa invests the Jain Brāhmaṇas with all the traditional privileges of the former, the right to receive gifts, exemption from taxes and certain punishments. In spite of its protestant note, Jaina theory is assimilated to the Brahmanic tradition and falls into line with current beliefs.³ On governmental institutions, the Ādi Purāṇa has nothing original to contribute. Here, as elsewhere, the king must embody all virtues and unremittingly give his time, attention and energy to the 'protection' of people. The revenue

¹ Ibid., XLI, 45—55; XLII, 181—192.

² Ibid., XLIII, 17—30.

³ Ibid., IXL, 108—113, 114—124, 127—142; XL, 192—193; IXL, 20—22, 13—14, 154—7, 137, 127—9; XL, 40, 139, 67, 63, 192.

In its controversial zeal, the Ādi Purāṇa contradicts itself and implies that when Bharata instituted his order of Brāhmaṇas, there were ordinary Brāhmaṇas in existence. Elsewhere it declares that the first Brāhmaṇas were Jainas.



should be realised like the milkman milking the cows without causing hardship to the people. Jainism declares Ahimsâ or non-violence to be the essence of religion but Jaina political theory idealises universal conquest.¹

The Uttara Purâṇa, as the composition of Guṇabhadra-chârya is called, gives biographical sketches of the twenty-three Tirthakaras who followed Rîṣabha at long intervals of time and of Râma, Kṛiṣṇa, Śreṇika, Jivandhara and numerous other Jaina heroes. Besides suzerain princes, hundreds of feudatories appear in its pages. It inculcates profuse patronage of learning by the government but its political ideas are few and old.² Another work, Hari-vaṃśa Purâṇa, ascribes the foundation of

The Uttara
Purâṇa.

Other Jaina
works.

all institutions to Rîṣabha. The Padma Purâṇa adds nothing new. In the 12th century Hemachandra reiterated the theory of Jinasena in his Laghu Arhanniti. He deals with the duties and qualifications of the king and ministers, the policy they ought to pursue, the judicial system they ought to establish, and so on. The Laghu Arhanniti draws freely upon its Brahmanical predecessors. The Jaina Râmâyana by Hemachandrâchârya gives a long Jaina version of Râma's story but does not modify the political ideas imbedded in Vâlmiki.³ Nor is Mahâsenâchârya's Pradyumna Charita more valuable. It merely reproduces the traditional ideas on government.⁴ In a work of the 12th century

¹ Ibid., IV, 106—198; XVI, 254; XXV—XXVI.

² The Uttara Purâṇa forms part of Âdi Purâṇa and is published along with it by Lala Ram Jaina in the Syâdvâda Granthamâlâ. For political reflections, see Ch. LXXV, 105—115, 214—220.

³ The Jaina Râmâyana, by Hemachandrâchârya, edited by Jagannath Shukla, Calcutta, Vikrama Era 1930. Laghu Arhanniti by Hemachandra (Ahmedabad). Harivaṃśa Purâṇa, Canto IX, 25—70.

⁴ Pradyumna Charita by Mahâsenâchârya, edited by Manohar Lal Shastri and Ram Prasad Shastri, in the Manik Chand Digambar Jain Granthamâlâ, No. 8, Bombay, Vikrama Era 1973.

A.D., Lomaprabhâchârya's Kumârapâla Prabodha, a king is gradually converted to Jainism and led into an ideal manner of life and government by Hemachandra. From what he does appears the author's idea of what a government ought to do. The king interdicted meat-eating, animal slaughter, drinking, prostitution, plundering and other sins. He erected Jaina temples, monasteries and alms-houses. He spent a good deal of his time in religious exercises but still attended to the business of the state, heard appeals and passed judgment on them.¹ It is interesting that the Jainas have their Purâṇas which betray deep Brâhmanic influence. Some of them are modelled on the Âdi Purâṇa and echo its doctrines but few of them make any fresh contribution to political thought.

Nor are the Jaina Sûtras of much use for the purpose. They are concerned far too much with eternity and salvation to trouble themselves with this ephemeral existence. Where they do touch on government, it is in a rather left-handed way. For instance, the ninth lecture in the Uttarâdhyâyana Sûtras² of the Śvetâmbara sect records a dialogue between Indra, the king of gods, disguised as a Brâhmaṇa and Nami who had just received enlightenment and renounced his family and dominion of Mithilâ. Indra's remarks indicate what was expected of a Kṣatriya monarch. He should defend his town by erecting walls, gates and battlements, digging moats and constructing those warlike instruments which were called Śataghnis. "Bring into

¹ Kumârapâla Prabodha by Lomaprabhâchârya, edited by Muniraj Jainavijaya, Gaekwad's Oriental Series, No. XIV, Baroda, 1920. It was composed about 1195 A.D.

² The Uttarâdhyâyana has been edited by Jarl Carpentier in the Archives d'Etudes Orientales. An English translation has been made by Jacobi in Vol. XLV of the Sacred Books of the East.

subjection all princes who do not acknowledge you." Internal tranquillity should be established by punishing thieves and robbers, cut-purses and burglars. The royal treasure, jewellery, wardrobe and conveyances should be multiplied. But Nami argues for the superior peace, strength and joy which attend a life of spirituality and renunciation. Indra himself ends by throwing off the disguise and showering praise on Nami.¹ To the student of governmental theory, the Sûtras as a whole are rather disappointing. There is, however, one Jaina work in Sûtra form which deserves detailed notice.

In the tenth century, Somadeva Sâri summed up the current political wisdom in a remarkable book called the 'Nectar of Political Sayings.' In spite of the Sûtra form the very acme of concision, Somadeva has managed to combine extreme brevity with considerable perspicacity of expression. In one of his works called Yaśastilaka Champû he expounds the orthodox tenets of Jainism in a masterly fashion. But as a politician he follows the universal tradition. The greater part of 'nectar' might as well have sprung from a Brahmanic brain. The fact was that during the last millennium political thought had cut out certain channels partly on secular ground and, whatever its source, it ran almost automatically into them. In an age which politically was rather decadent, Somadeva cries 'back to Kauṭalya.' He mentions the author of the Arthaśâstra more than once. He often borrows the thoughts and sometimes the very expression of his master. Frequently he taps other sources and refers to Manu, Vasiṣṭha, Bhâguri, Bhīṣma, Bhâradwâja, Viśâlâkṣa and other political writers, but his mastery of literary craftsmanship enables him to weave all his various collections into a fine, harmonious

Uttarâdhyâya Sûtra, Adhyâya IX, pp. 95-101. Jacobi's translation, pp. 35-41.



whole which has all the appearance of unity and originality. And it must be admitted that here and there Somadeva does alight on a thought that is new and often gives a striking form to what had been crudely put long before. Altogether, he has a freshness of outlook which places him in a class by himself.

The work opens with a salutation which is capable of more than one meaning but which most probably refers

to the author's teacher who bore a name
Homage to something like his own. It is significant
the State.

that the first chapter though devoted to religion and morality, should dispense with the usual divine commemoration and start with homage to a worldly master. It testifies to the process of secularisation that had gone so far in political science. The first aphorism offers a salutation to the state which is the source of religion or morality, wealth or success, enjoyment or happiness. It would delight the heart of a Hegelian to find that a thousand years before the German idealist, the Indian writer extolled the State as the *summum bonum* of human life. Religion itself is defined in an ambiguous manner which the ecclesiastic or the secularist may interpret as he likes. It is the door to success and welfare, whether of this world or of the next,—we are not told. The precepts which follow relate indiscriminately to mundane and spiritual affairs. ¹ A

¹ *Nītivākyaṃpita*, pub. in the Manikchand Digambar Jain Granthamālā Series, pp. 1—26. Somadeva Śūri was an Āchārya of the Devasaṃgha, one of the four orders of the Digambar sect of the Jainas. His teacher was Namideva who had been a disciple of Yaśodeva. Somadeva was noted as a great dialectician, a poet of considerable merit and master of Jaina theology and tradition. From Jaina literature it appears that the Devasaṃgha was confined to the south. Somadeva was probably a southerner. His Yaśastilaka Champū too bears traces of southern influence. In spite of his Jaina persuasion Somadeva accepts the authority of Vedas and Smṛitis in worldly affairs. He expressly says that much in his Yaśastilaka.



number of maxims, moral and worldly, applicable to various walks of human life, form a sort of preface to the real science of 'politics.' Then we are told in all serious-

ness that the real brute on earth is an ignorant. Knowledge is the prime requisite in affairs. Anarchy is better than the rule of an ignorant. It will be

The Need of
Knowledge in
Rulers.

remembered that the Buddhist works, the epics, Kautilya, Purāṇas and the lawgivers alike had descanted on anarchy, as the most terrible of all possible contingencies. Somadeva departs from tradition and prefers absence of government to uninstructed rule. For, he explains, no calamity is so serious, so ruinous, as a perverse king. On the same principle, a prince, howsoever well-born, should not be installed as heir-apparent unless he is otherwise qualified for the great trust. A real king is he who is the repository of all the merits that are extolled by wise men.² Every prince must cultivate the four branches of learning, scriptures, professional knowledge, philosophy and politics. Besides their intrinsic value, they serve to discipline the mind and character. But for this training, a king will perish like a godless elephant.³ There could be only one substitute for study; that was the society of the elect. Proximity to the waters imparts a certain delicacy to the shade of trees.

As to the position of the king, there is no ambiguity. He is a great god. He bows only to his

The Position
and Functions of
the Monarchy.

ancestors and teachers: all else have to salute him. It is difficult to change his resolutions but a king should always be

willing to receive advice, and ministers should be prepared to

¹ Somadeva Sūri, *Nītivākyaṃṛita*, pp. 26-56.

² *Ibid.*, 56-57.

³ *Ibid.*, 60-1.



offer sound advice. Better to die than to offer unwholesome counsel. A king should always try to get at sinners and criminals, at all those who are obstacles to the happiness of his people. He must not be all mercy for that is to invite contempt and to fail in the prime duty of protection. It may be good for saints to pardon wrong-doers, but certainly it is not right for a king. As a rule, contemptible is the man whose anger and favour lead nowhere. If you can't avenge yourself, you are dead rather than alive. Who will not trample on the ashes of cinders? Indeed, if a king does not repress the wicked and oppressors, he will find his office but a door to hell. Here let the king remember that he must not make friends with wicked people. That is the road to disaster. Nor must he confide in women. They can't keep secrets. If you give them your secrets, you are preparing for death. Again and again, Somadeva recurs to the all-important task of protection. 'Tis a bad king who can't protect his subjects. If a king cares well for his subjects, he receives one-sixth of the fruits of their merits, even from the ascetics.

Protection is not to be understood in a negative sense.

Prosperity. It has a positive side—the promotion of prosperity.

The foundation of all prosperity is agriculture. Happy is the man who has a well-watered piece of land and abundance of cattle. Cattle and beasts of burden should form one of the principal objects of the care of the

Agriculture. state. It is assumed that commerce must be regulated by the Government. Limits must be set

Commerce. to profiteering. There are, in reality, no greater thieves on earth than tradesmen. If they charge too much for their wares, the balance over the just price must be confiscated.



Injustice is never to be tolerated, since it ruins all. Large, indeed, is the category of those who hinder the

Injustice. prosperity of the people. Thieves and robbers, state surveyors and evaluators,

foresters and guards, state officers, hoarders and profiteers, all are mentioned in the same breath. If the king commands prestige and exercises a certain amount of sternness,

Punishment. he can render them harmless. This punishment, this maintenance of order, is

one of the chief topics of political science. Its importance is enormous. But punishment by a king ought to be like the ministration of medicine by a physician. It should never be prostituted to monetary ends. It is a bad king, and a bad physician who eagerly looks out for disorders with a view to selfish gratification. Unjust punishment recoils on the head of the monarch.

The difficult and complicated duties attached to the office of the king demand constant counsel with ministers.

Ministers. Great, indeed, has always been the power of ministers. Witness, for instance, Kau-

talya who installed Chandragupta in place of the rightful ruler of Magadha. A king must exercise

Their qualifications. the utmost discretion in the selection of his councillors. They might be Brâhmanas,

Kṣatriyas or Vaiśyas, but they must not be foreigners.

Love of one's own country is the highest and most tenacious of all prejudices. The ministers must be endowed with

real character, for lack of principles vitiates even all personal merits and qualities. They must also be well-born,

since an ill-bred person is proof against all shame and is capable of any misdeed. Ministers, again, must be free

from all carnal passions. To possess a sensual minister is like riding a mischievous elephant. Ministers must be

reliable and courageous. What is the use of one who can't



stand by you in adversity? Besides moral qualifications, ministers must be endowed with practical knowledge. They must grasp clearly and firmly what is to the interest of the state. All their best wishes would come to nothing unless they were joined to a real knowledge of affairs. They must have a penetrating insight not only into civil but also into military problems.

It is necessary that the king should preface every enterprise with full deliberation. Counsel or deliberation

Deliberations.

has five elements—the way to commence an enterprise, taking stock of men, money and other elements of strength, the plan of time and country, the removal of obstacles and attainment of success. Here counsel is synonymous with enterprise. Or it may be said that deliberation conduces to the knowledge of what is unknown, gives certitude to what is known, reinforces what is certain, clears what is obscure and completes the knowledge of that which is imperfectly known.

Deliberation on all affairs of high moment requires the utmost secrecy. That is essential to success. Do not

Secrecy in
Deliberation.

hold counsel in places which echo to human voices and do not consult those whose relations you have injured. Let nobody, unless expressly invited, stay at the time of deliberation. It is on record that counsel was sometimes betrayed by parrots. Celerity in execution is a safeguard of secrecy. Put your resolutions as soon as possible into action. Action, indeed, is the very essence of counsel. Mere knowledge of medicine does not cure the disease.

Ministers should always offer wholesome counsel. Let them not flatter or mislead their master. The king on his part should take their advice, for it is a bad king who neglects the counsels of his ministers. Such a king will



The Importance of Ministers.

soon find himself overwhelmed by foes. His obstinacy will plunge him into ruin. The king should never be satisfied with a single minister. The latter tends to autocracy and the king may find himself bewildered in times

The Number of Ministers.

of difficulty. Nor should there be two ministers for both may conspire and ruin the kingdom. The number should be three, five or seven. It is essential that they should work in harmony. If they are jealous of one another, they will make a mess of it. On the other hand, if they co-operate in wisdom, they will be pillars to the state. Here let it be emphasised once more that ministers should be no fools. What can a blind man see? How can the blind lead the blind? It may be that the counsel of fools accidentally leads to success but it is a dangerous way. A fool, after all, is only a fool. So too, a knave is a knave. The poisonous snake may wind the neck of the god Mahâdeva but it is poisonous all the same.¹

There is another precaution necessary in deliberations of state. Military officers are not to be consulted in the determination of policy. They are only

No military control of policy.

too ready to clutch at war. Strife is the law of their being. They are not to have a hand in the formulation of policy lest they involve the state into needless wars. Besides, if they are placed in control of civil policy, they may grow dangerously proud and powerful.² So, according to Somadeva, the policy of the state is never to be governed by the army.

In conducting negotiations, the king and councillors alike should observe gravity and courtesy. Politeness

¹ Ibid., 62-63, 62-66, 76-80, 84-90, 93-95, 98-100, 102-104, 106-125, 127-135.

² Ibid., 136-137.

Negotiations. enables one to achieve the deadliest objects. The peacock, endowed with a sweet voice, makes short work of snakes. It is, again, mere folly to speak too much, or disclose too much. Above all, one should not lose one's temper or presence of mind. Fortitude in adversity constitutes real greatness.¹ A yet greater danger to the state is popular indignation which should never be roused.²

So much about the ministers and their qualifications and responsibilities. Now, a word as to the Royal Priest.

Priests. Minister and priest are like father and mother to the king. Their advice is not to be transgressed. The priest is instrumental in warding off natural as well as supernatural calamities. Draughts or floods, beasts or pests, epidemics, ghosts or goblins—all were to be controlled by the mighty power of the priest. One of his most important duties was the training of the prince. The prince must be humble and obedient to his teachers.³

Next to the Royal Priest in importance is the Commander of the Forces. His qualifications are a counsel of perfection. He must be above all sensual gratification, above all temptation. To all military talents he must add unswerving loyalty and devotion to his master.⁴

The Ambassador was another notable functionary. In a period when states were small and negotiations for peace and alliance of frequent occurrence, he was ubiquitous. A definite code of diplomatic etiquette had been evolved. An envoy was not to be molested on any account. He might talk as he liked but his life was sacrosanct.⁵

¹ Ibid., 138—156.

⁴ Ibid., 169.

² Ibid., 157.

⁵ Ibid., 170-171.

³ Ibid., 160—163.



It was otherwise with the spies. There was hardly a profession which involved such risks. Yet the number of

Spies. spies employed by each government was legion. Broadly speaking, they fell into

two classes, those who busied themselves with the misdeeds of officials and the opinions of subjects and those who sought to probe the designs and plans of rival monarchs. In either case, they put on various disguises and political writers classify them on that basis. There were ascetics and scholars, sorcerers and jugglers and foresters and snake-charmers, singers and dancers, tradesmen and artisans, astrologers and mathematicians, physicians and soldiers, and so forth. They must be paid adequately. In their turn, they must show assiduity in the discharge of their duties. They are the eyes of the monarch.¹

In the performance of their various and difficult vocations, the king and his officers must constantly think.

"Thinking." "Thinking" is the title of the fifteenth chapter in Somadeva's work. Every prob-

lem, every detail, must be closely examined. Rashness opens the door to endless troubles.² A danger, graver

Avoidance of Sensuality. still, lies in addiction to pleasure. Lust and drink, game and gambling, slothfulness,

all are fatal to success. Rudeness and discourtesy are other vices to be strictly avoided.³ On

Kindness. the other hand, the monarch must assiduously practise kindness and generosity.

He should cause as little disappointment as possible. Let him not resemble the salt waters of the sea which, though vast, cannot quench human thirst.⁴

¹ Ibid., 172-4.

² Ibid., 175-6.

³ Ibid., 177-79.

⁴ Ibid., 180-184.

Reverting to the principal officers of state, Somadeva remarks again that, single-handed, one can do nothing.

Officers. A number of officers are essential for administrative efficiency. Income, expenditure, royal safety and military efficiency are their chief concerns. A fool or a knave should never be appointed to a position of high responsibility. But it is equally risky to appoint a friend. It is too expensive in money and in friendship alike. Fitness should be the only criterion for office.¹

The country comes next as an element of sovereignty. Its prosperity in grain, cattle and wealth, is the prime concern of statesmanship. So far as possible,

The Country. military mobilisation should be avoided at harvest time. Well-nourished and well-protected, the earth is like the divine cow which bestows everything to the heart's content. Oppression, on the other hand, converts it into a desert and dries up the sources of revenue.² As means of defence, forts are extremely important. They fall into two classes, natural and artificial. A country which lacks fortification is an object of contempt to everybody. Like a bird lost at sea, a king who has no forts to fall upon is shelterless in adversity.³

The treasury is another indispensable element of sovereignty. It is the very life of kings. A king who has no money unjustly robs his subjects

The Treasury. and then the kingdom is emptied. The fact is that it is the treasure and not the person of the king who is the real sovereign. A penniless fellow is

¹ Ibid., 185—190.

² Ibid., 190—197.

³ Ibid., 198—201.



deserted even by his wife, not to speak of others. Only he who has wealth is reckoned great and well-born. What is the greatness of a lake that has no water? ¹

The army is the next element of support and, in fact, of sovereignty. In the army, the elephant is the most important branch. Victories in war are, in

The Army.

reality, the victories of elephants. A single elephant can attack and withstand a thousand soldiers. The training of elephants must be carefully attended to. Untrained elephants are not only a burden on the exchequer but bring death and disaster to their own side. Elephants, duly trained, are particularly useful in siege, assault and bridging.² The cavalry is, *par excellence*, the mobile force. Its dexterity is as useful for defence, as for offence, in war. Nine different kinds of horses are mentioned.³ Chariots are used by bowmen who carry all before them. Once the charioteers have made a real attack the enemy is easily overpowered.⁴ In all warfare, the greatest reliance is to be placed on forces which are bound by ties of sentiment to the sovereign. Mercenaries are not of much use. Everywhere a soldier puts forth his best efforts not from prospects of monetary gain as for the honour expected from his master. All the same, a ruler should be careful and punctual in paying his forces. What is the use of a cloud which does not rain in time? ⁵

The army must, of course, always be in a state of readiness but successful diplomacy is by no means less important.

Allies.

An effort should be made to secure as many allies as possible.⁶

¹ Ibid., 202--206.

² Ibid., 207--9.

³ Ibid., 209--11.

⁴ Ibid., 211-12.

⁵ Ibid., 214-15.

⁶ Ibid., 216--220.

Turning to the king, Somadeva tells us that the safety of the monarch is the safety of the state. The people may be prosperous, but if they have no government they will come to no good. A king, however, is to be protected not only from death but also from temptations.

Discipline in the king and princes.

He must not indulge in sensual gratification. While on this subject, Somadeva in true ascetic fashion calumniates woman as the source of evil and as a bundle of craft and hypocrisy, he becomes almost unreadable.¹ He displays better sense when treating of the training of princes. These must respect and obey their parents as their gods. If they disregard their parents even in thought, they will fall from prosperity.² At this stage, Somadeva leaves aside politics in the strict sense of the term and gives a number of ethical and household precepts for the use of all.³

Reverting to his proper subject he warns governments against the dangers of over-taxation. Taxation must be adjusted to the resources of the people.

Taxation.

The expenditure must not exceed the income.⁴ But these few maxims are followed again by maxims on custom, worldly success and prosperity.⁵ Somadeva's stores of political wisdom are now pretty nearly exhausted. When he returns to politics, he has only a little to say.

A king must carefully select his courtiers. Courtiers should never indulge in greed and favouritism. They must

Courtiers.

always offer wholesome counsel to their sovereign. All in power or influence should refrain from oppression. Oppression is the source of

¹ Ibid., 221—245.

² Ibid., 246—250.

³ Ibid., 251—271.

⁴ Ibid., 271.

⁵ Ibid., 272—294.



all trouble and dissensions. Of course, this does not mean that the wicked are not to be severely punished. Nor does it mean that the king should not keep up a real prestige. If there is no prestige, the government will come into contempt.¹

In law-courts, a Brâhmaṇa is to take the oath by touching his sacred thread or a piece of gold; a Kṣatriya by touching a weapon, a jewel, or the ground, etc., a Vaiśya by touching his ear or gold; a Śûdra by touching milk or corn. The idea, we are told, is that the form of the oath should pertain to the occupation of the person concerned.²

In his treatment of foreign policy, Somadeva merely follows Kauṭalya and his successors. One meets with the same doctrine of Mandalas or circles with their endless permutations and combinations. Allies, enemies and neutrals appear in all sorts of relationships. In the management of these complicated affairs, diplomacy is often more effective than force. Diplomacy demands great subtlety.³ When it does come to war, energy and expedition are essential. Relentless severity wins. But one should never strike those who are fleeing. It is like killing a Brâhmaṇa. Treachery again should be avoided. It is a deadly sin. Soldiers should be ready to lay down their lives to save their kings on the battlefield.⁴

Here finally closes the political section of Somadeva's work. The rest is devoted to marriage and miscellaneous affairs. One of the most remarkable features of the Nitivâkyâṃṛita is its elimination of caste privilege. Somadeva recognises caste and wants every one to

¹ Ibid., 295—305.

³ Ibid., 324—344.

² Ibid., 305—306.

⁴ Ibid., 345—372.

adhere to his hereditary occupation. In certain passages he even seems to concede a particular sanctity to Brâhmanas but he would treat all as equal before the law. He has a higher conception of society and the state than the Brahmanic law-givers.

Somadeva's ephorisms were commented on by a Brahmanic scholar who, from his introductory verse, seems to have been named Haribala. He frequently illustrates Somadeva's meaning by parallel quotations from Arthasâstra and Dharmaśâstra authors as well as from writers like Jaimini, the great master of the rules of interpretation. But he has few political views of his own.

Somadeva Sâri's fame as a politician will always rest on the Nitivâkyâmr̥ita but many of his ideas are also to be found in one of his earlier works called Yaśastilaka-Champû. In its third Āśvâsa or chapter he gives a description of king Yaśodhara and touches on a variety of political topics. His diction and lucidity are admirable, but practically all he has to say here on government has been incorporated in the Nitivâkyâmr̥ita.² Somadeva is believed to have written at least three other works which have not yet been discovered but of which one called Trivargamahendramâtalisañjalpa appears from its name to have touched on politics. It purports to be a dialogue between Indra and his charioteer Matali or Dharma, Artha and Kâma.

¹ Haribala's Commentary is printed with the text in the Digambara Jaina Granthamâlâ Series.

² Yaśastilaka-Champû, Ch. III. This work is mentioned in the Nitivâkyâmr̥ita. It has been published in the Kâvyamâlâ.



CHAPTER IX.

Nitisâstras.

It was during the thousand years which separate the Mahâbhârata from Somadeva Sûri that practically what is

The Character
of later Political
Speculation.

virile and vigorous in Indian governmental speculation took its rise. The lines of thought represented by the Arthaśâstra, Dharmaśâstra, Purâṇas, Buddhists and Jainas do not entirely come to a close, but they merely revolve in circles after the tenth century. Henceforth, works on polity lack originality and freshness. Several Nitisâstras or treatises on politics were composed but they are wanting in individuality. They cover the whole field of the Arthaśâstra and Dharmaśâstra but they are far less systematic. So far as contents are concerned, the line between Arthaśâstra and Nitisâstra is very faint, almost non-existent. Kâmandaka's Nitisâra is reckoned a Niti work but it is practically a summary of Kauṭalya. Somadeva Sûri's Nitivâkyâṃṛita is heavily indebted to the same old writer. There exists a Nitisâstra, in several different versions, attributed to Chânakya or Kauṭalya himself. The real author, however, is a moralist who flourished probably several centuries later. The chief difference between the two classes of writings is that the secularist tendency is far less in evidence in the Nitisâstra. The latter comes into prominence after the Arthaśâstra as such has declined probably under Brahmanical influence. It is not impossible that Buddhist intellectual influences had something to do with Arthaśâstra development. Buddhism is not rationalism as some enthusiastic Western scholars tried to make out but in the first centuries of the Christian era

it was certainly more liberal than Brahmanism. As it declined and Brahmanism regained its ascendancy, the Arthaśāstra probably gave way to the Nitiśāstra.¹

The Yuktikalpataru² attributed to king Bhoja of Dhârâ in Mâlâwâ, the great patron of Sanskrit learning in the eleventh century A.D., treats of numerous administrative topics, including finances and taxation. It indicates how sites

The Yuktikalpataru.

should be selected and buildings erected thereon. It has something to say on ships, ship-building, draughts and other animals and similar requisites of economic life. It lays down rules for the administration of urban areas. *Inter alia* it touches on the functions of the superintendent of forests and lays down the qualifications and duties of clerks. It is an unmistakable sign of decline that astrology chains the attention of a Niti writer. Besides the internal economy of a state, it dilates at length on the exigencies of foreign relations and warfare. Treaties,

¹ It is significant of the late origin of Nitiśāstras and the comparative neglect of Arthaśāstras about the eleventh century A.D. that Alberûnî has nothing to say of them while he gives a correct list of twenty Smṛitis, composed by "twenty sons of Brahman" and containing "commandments and prohibitions," and while he gives two lists of eighteen Purâṇas, a correct one as it was read out to him from the Viṣṇu Purâṇa and another which he had merely heard and which differs in regard to several names. (Alberûnî, *India*, tr. Sachau, Vol. I, pp. 130-131.) The word Niti is derived from *nî* to lead. Nitiśāstras were meant to give the lead to mankind.

² Yuktikalpataru has recently been published in the Calcutta Oriental Series. An excellent MS. copy is preserved in the Pâṇini Office, Allahabad. The author explains the title of his work by remarking that just as a Kalpa-tree bestows all desired gifts, so "wise men by resorting to this Kalpa-tree can achieve the most longed-for objects." The root of the tree lies in Politics, the stem is astronomy and astrology, the branches and flowers are the various sciences, the sap is the "nectar of the good."



embassies, espionage, diplomacy in general—all claim attention. Nor does the author omit to formulate directions for military expeditions. But in all this there is nothing which calls for special notice.¹

A more important work is that ascribed to Śukrâchârya.

Śukranîti.

Indeed, after Somadeva Sâri, Śukranîti is the most remarkable Hindu treatise on government. Dr. Gustav Oppert, the editor of the text, concluded that the work "belonged to the same period which produced the Smṛiti and the early epic literature."² But not only do the spirit and atmosphere of the work point to a much later period but it specifically refers to guns and gun-powder. Even allowing for interpolations, Śukranîti cannot be older than the twelfth or thirteenth century A.D. Like Yuktikalpataru it is a loose composite production treating of a mass of miscellaneous matters. It borrows freely and extensively from its predecessors, for instance, from the Mahâbhârata, Manu and even Kâmandaka, and thus indirectly from Kautalya. If Śukranîti deserves particular notice, it is because it represents the last summing up of Hindu political thought, and because it introduces a few novel features of minor importance.

Conscious, perhaps, that he had appeared on the scene rather late, the author of Śukranîti is at pains to connect

¹ Tremendous is the number of the topics dealt with in Yuktikalpataru. They include the priest, minister, ambassadors, danda or punishment, modes of conveyance, houses, thrones, charioteers, cavalry, elephants, the art of mounting elephants, missiles, daggers, bows. There are whole sections on things which have little bearing on politics. Diamonds, emeralds, corals, pearls, sapphires, etc., are treated in an interesting fashion.

² Gustav Oppert's Edition, Madras, 1882, Preface, p. viii. Rajendra Lal Mitra declared that Śukranîti could not be earlier than the 16th century A.D. Recently, K. P. Jayaswal has placed it in the 8th century A.D. See also Benoy Kumar Sarkar on the date and *locale* of Śukranîti in the Positive Back-ground of Hindu Sociology, Book II, Part I, pp. 63—71. Śukra, like Kâmandaka, is often quoted by latter-day Sanskrit commentators.



his handiwork with hoary antiquity. He repeats with slight modifications the Mahābhārata version of the history of Daṇḍanīti which goes back to the beginnings of creation. He

The Science
of Government.

had elected to condense the version of Brahman because the life of man was too short. He conceives of politics as an art with a definite object. Daṇḍanīti aims at the promotion of general prosperity. It conduces to the stability of the world. It is, of course, particularly useful to rulers. A king who neglects it, sinks like a leaky vessel.¹ It need hardly be repeated that in Hindu speculation politics are not clearly separated from the general science of society. Like

Society and
the State.

other writers, Śukra has something to say on society as a whole. At one place he displays an extraordinary breadth and liberality of outlook. It is not birth but "virtues and works" which determine the rank of a person in the system of caste. Passing to politics, Śukra adopts the time-honoured theory that a state is an organism of "seven limbs," *viz.*, the sovereign, the minister, the ally, the treasure, the territory, the fort and the army. It is significant that Śukra compares them to various members of the human body.²

The most important factor in the body-politic is the sovereign, to whom Śukra assigns an unusually high position. It is from him that all social and political usage flows. He safeguards the whole fabric of society. He is the source of the prosperity of this world. He is the quintessence of divinity. "The king is made out of the permanent elements of Indra, Vāyu,

¹ Śukranīti, tr. Benoy Kumar Sarkar, pp. 1, 2, 4.

² According to Śukra's analogy, the king is the head, the minister is the eye, the ally is the ear, the treasure is the mouth, the army is the mind, the fort is the arms, the territory and the people are the legs.



Yama, the Sun, Fire, Varuṇa, the Moon and Kuvera, and is the lord of both the immovable and movable worlds." Like Indra, the god of gods, he protects; like Vāyu or air, the spreader of scents, he generates kind and harsh actions; like the sun, the destroyer of darkness, he crushes irreligion and establishes the true faith; like Yama, the god of death, he punishes offences; like Agni or fire, he purifies and enjoys all gifts; like Varuṇa, the god of rain, he sustains every one; like the delightful moon, he pleases everybody by his virtues and activities; like Kuvera, the god of wealth, he protects the treasure and possessions of the state. All these attributes must be assiduously cultivated by the sovereign, who, otherwise, is like the moon shorn of its lustre. The same idea is emphasised in a slightly different manner. The sovereign must "possess the attributes of father, mother, preceptor, brother, friend, Vaiśravaṇa or Kuvera and Yama." Like a father, he must "endow his subjects with good qualities"; like a mother, he must pardon offences and nourish children; like a teacher, he must advise and guide his disciples; like a brother, he must take only his legal share from 'the ancestral property'; like a friend, he must be the confidant and keeper of the subjects' lives, families, property and interests; like Kuvera, he must give wealth, and like Yama punish the wicked.¹

In short, the calling of the sovereign is the very highest. It requires the most arduous and perfect training. A king must be religious and

The Sovereign's
Qualifications.

charitable, forbearing and yet valorous.

He should be above all sensuality and grossness. He must be a master of the arts and sciences. He must follow the rules of policy and must respect old

¹ Ibid., 1, 2, 4, 11, 12-13, 13-14.



men. He must strive to command the respect of all meritorious people. Let him win the admiration and allegiance of his subjects by great deeds, and by generosity in gifts and honours. He must possess courage and martial accomplishments. Nothing is so essential to him as discipline. The king must discipline his sons, his ministers and his subjects. But example is better than precept. The king must first discipline himself. There is no beauty in sovereignty without discipline. From lack of discipline numberless monarchs had come to ruin. It is not birth that makes a king. It is only such qualities as prowess, strength and valour which can bring the honour essential to the kingly office. Besides, it must be remembered that "the ruler has been made by Brahma a servant of the people getting his revenue as remuneration." The purpose of sovereignty is the protection of the people. The king and the people are equally necessary to each other. It is the office rather than the person of the sovereign that is sacred. Even a dog looks like a king when it ascends a royal chariot. A king who is hostile to virtue and morality should be deserted.¹

The king must personally attend to the business of the state. After the manner of Kautalya, Śukra prescribes a detailed time-table for the king. He divides the day into thirty *muhūrtas* of forty-eight minutes each. The king must rise early and attend to finance for two *muhūrtas*, studying the following points :— "How much is the fixed income and how much the certain expenditure? How much has been used out of the things and materials in the Treasury? What is the remainder after the transactions from the fixed Income and Expenditure? Then ascertaining

¹ Ibid., 6-7, 12-21, 24, 50, 89.



from the record as well as by personal knowledge as to the amount to be spent to-day he should bring the articles out of the Treasury." The rest of the royal time-table may be summarised as follows :—

Period.	Occupation.
1 Muhūrta	... Ablutions.
2 Muhūrtas	... Prayer, study and charity.
1 Muhūrta	... Exercises on elephants, horses and carriages.
1 Muhūrta	... Distribution of prizes.
4 Muhūrtas	... Taking stock of, and making arrangements for, grains, clothes, gold, jewels and the army.
1 Muhūrta	... Meals with kith and kin.
1 Muhūrta	... The study of old and new subjects.
2 Muhūrtas	... Consideration of matters explained by the chief judges and other officers.
2 Muhūrtas	... Hunting and gambling.
1 Muhūrta	... Attending to military exercises in the regiments.
1 Muhūrta	... Evening prayers.
1 Muhūrta	... Dinner.
2 Muhūrtas	... Attending to reports of spies.
8 Muhūrtas	... Sleep.

But the king is not to confine himself to the headquarters. He "must personally inspect every year the grāmas (villages), puras (cities) and deśas (districts and provinces), and must know which subjects have been pleased and



which oppressed by the staff of officers, and deliberate upon the matters brought forward by the people.”¹

The essential features of sovereignty are the same everywhere. But on the basis of the amount of the annual revenue, Śukra divides sovereigns into various grades :—

Designation	Annual Revenue in Karṣas		Annual Revenue in Modern Indian Money	
	From	To	From	To
Sāmanta	1 lac	3 lacs	Rs. 83,333	Rs. 250,000
Māṇḍalika	3 lacs	10 lacs	„ 250,000	„ 833,333
Rājā	10 lacs	20 lacs	„ 833,333	„ 1,666,666
Mahārājā	20 lacs	50 lacs	„ 1,666,666	„ 4,166,666
Swarāṭh	50 lacs	100 lacs	„ 4,166,666	„ 8,333,333
Samrāṭh	1 crore	10 crores	„ 8,333,333	„ 83,333,333
Virāṭh	10 crores	50 crores	„ 83,333,333	„ 416,666,666

Sārvaḥhauma—Universal Monarchy.²

In the body-politic the position of the royal family presented some difficulties. Śukra attempts to lay down a few rules. As a rule, the eldest son

The Royal Family and the Succession.

should succeed to the throne but if he is physically unfit, that is, if he is deaf, dumb or blind, a leper or a eunuch, he should be passed over in favour of his younger brother, or of the king's younger brother, or of the latter's son. It is only in the absence of seniors that juniors are entitled to the succession.

Elsewhere he wants that the king should exercise the greatest care in selecting for this office one of his legitimate sons, one of his uncles (younger than himself) or younger brother, elder brother's son, an adopted child, a daughter's son, a sister's son, “ successively according to failure.” The king should carefully refrain from unfairly

¹ Ibid., 36-37, 51-52.

² Ibid., 36-7.



treating any one of those eligible for the office of heir-apparent. At the same time they must be well-guarded and kept from temptation. If they harbour treasonable designs, they must be carefully "extirpated through tigers or enemies or through craft." The crown-prince must be gentle and kind to his parents and relations and to the people at large. He must obey the king. The other members of the royal family should be assistants and auxiliaries to the king. They should be appointed superintendents of departments, generals in the army or governors of provinces. But a partition of the kingdom must be avoided at all costs.

Not even a trifling business can be managed single-handed. No king, howsoever proficient in "all the sciences" and howsoever perfect a master of practical policy, should "study political interests without reference to ministers." If he insists on having his own way, he will plunge the kingdom into misery and himself into unpopularity and ruin. "The wise ruler should always abide by the well-thought decisions of councillors, office-bearers, subjects and members attending a meeting—never by his own opinions."

In the selection of ministers, it is not caste or family but merit and character which should matter. Here is an important principle in direct antagonism to the traditions of caste or aristocracy.

The Chief Officers. Dignity and courtesy, energy and promptness, loyalty and devotion, purity and incorruptibility—such are the characteristics of good ministers. There should be ten principal officers of state—the priest, the vicegerent, the chief secretary, the commander, the foreign secretary, the judge, the scholar, the financier, the minister and the spy. The priest should be a man of learning and character, a master of the political and military sciences,

He must be able to command the respect of the king. Here was one test of his efficiency, as that of other ministers. Another test was to be sought in the continuous improvement of the realm in extent, revenue, population and administration. The vicegerent was, *par excellence*, the advisor of the king. He must find out the proper time for the commencement of an enterprise. Though unheeded, he should persist in offering sagacious counsel. The chief secretary should supervise the work of state departments and should see that all functionaries carried out the duties assigned to them. The commander has to study all the sections, manoeuvres, and equipment of the military forces. The qualifications and duties of other officers are similarly detailed. Śukra would like the ministers frequently to change portfolios.

On the gradation of state officers Śukra is far from clear. He constantly mixes them up with feudal vassals.

Government
 Officials in general.

To begin from the bottom, the designation of the village officer is not mentioned.

The villages should form a group under a Nāyaka. Ten such groups came under

Nṛisāmantas. Over them came Sāmantas whose area of jurisdiction yielded an income of between one and three laos of karṣas. The same designation is applied to autonomous rulers of a hundred villages. In between came an officer called Hīnasāmanta or inferior Sāmanta who received the same salaries as Sāmanta but whose position was inferior. His functions are not specified. Over ten thousand villages stood the Ashapāla. Soldiers should not be employed in civil administration. Salaries may be assigned in land, but Śukra warns the ruler against the growth of hereditary interest. The king, indeed, must liberally endow lands for gods and temples, for parks and for public grounds, and also make grants to individuals. He must provide the



peasantry with suitable dwelling-houses but he must never alienate his sovereign rights.¹

A few rules of etiquette are laid down. The village headman should ride on horseback. The ruler of ten villages and the commander of one hundred troops should travel on horseback with attendants. The governor of a thousand villages should always travel in vehicles drawn by two horses or by men. The commander of 10,000 troops should ride an elephant and be attended by twenty men. The ruler of 10,000 villages is given the honour of four horses in his carriage. The commander of 50,000 is given many attendants.²

Every village ought to have a collector of land-revenue, the clerk, the collector of tolls and duties, as also the news-bearer. Every town must have a similar set. In practice, two or more offices are likely to have been combined in one person. These officials must all be experts in their several lines. For secretaries and accountants Śukra lays down the most minute directions. Officers should wear different uniforms. When leaving service they were given souvenirs of the 'proper insignia of office placed on steel, copper, bronze, silver, gold and jewels.'

More than once, Śukra insists on capacity as the supreme qualification for office, but he violates his precept

Caste and
Government
Service.

when he distributes offices according to caste. The village headman should be a Brāhmaṇa, the tax-collector a Kṣatriya, the customs officer a Vaiśya, the clerk a Kāyastha, the sentinel a Śūdra. The heads of the higher administrative divisions should be Kṣatriyas. The

¹ Ibid., 25, 27, 269. Śukra insists more than once that one test of the efficiency of ministers is that they should be feared by the king (pp. 69-70). Cf. Somadeva Śūri.

² Ibid., 269.

commander should preferably be a Kṣatriya, otherwise a Brāhmaṇa or a member of any caste.¹

Śukra, like other Hindu writers, insists that the king should constantly consult his ministers. But consultations

The Court.

may also be held with relations and friends. Such consultations on a large scale tended to be what are now called 'darbars.' Minute instructions are given for the court. In the centre of the western half of the hall is to stand the royal throne. On the right and left are to sit the bodyguard and retinue. The princes and their sons, the king's brothers and nephews, are to sit behind in succession 'proceeding from the right towards the left.' Uncles, other elder members of the royal family, and commanders are "to sit in the front on separate seats at the right hand moving towards the east." "Superiors in the family of maternal grandfather, ministers, cognate relations, fathers-in-law, brothers-in-law, and officers are to sit in the front at the left hand (moving towards the east). The son-in-law and brother-in-law are to sit just on the left and right sides. And the friend is to be like him, either near or on half of his own seat. In the place of daughter's sons and nephews, the adopted sons may have seats of the sons. The Āchārya or preceptor, like the father, is to sit on the same kind of good seats. On both sides and in the front the scribes and clerks are to be at the back of the ministers. The servants are to be seated at the back of all. Two men bearing gold sceptres are to be stationed on either side to communicate the presence and salutation (of persons) to the King." Such was the arrangement of "the darbar." When all the courtiers had assembled, the king should appear with a crown on his head, "well-dressed, well-decorated, armoured," with the

¹ Ibid., 54—89, 97-98, 100-101.



royal insignia, "effective missiles and uncovered weapons." He was greeted with flattering cries, such as "thou art the greatest of all givers and heroes." But the king had better not hear such remarks. Whether in secret, council, or open court, the king should ask the opinions of his ministers. If they were overawed into silence, he should insist on written opinions. The king should carefully weigh their arguments and "then do what is accepted by the many." Besides the court there were other pageants. When on tour, the king entered a city, mounted on an elephant, surrounded by his kinsmen, friends and state officers.¹

Over the whole administration the king must exercise a close personal supervision. He should keep a strict watch over government servants.

Royal Supervision. In disputes and complaints he should side with his subjects, not with his officers.

"He should dismiss the officer who is accused by one hundred men." So, too, he must dismiss an habitual offender and punish those who go astray more than once. The king should issue stringent decrees forbidding his officers to be harsh or cruel in words. Royal officers and servants should live outside the villages and should not enter them without a permit. He must extend his particular protection to spies whose function it is to watch the doings of officials. They must be shielded from departmental rigours and from the wrath of those who might be offended with them. At the same time it is incumbent on the spies to speak the truth. If they deposed falsely they must be severely punished. Else the life and

¹ Ibid., 48—51.

Compare the picture of the Court in Merutuṅgāchārya, *Prabandha Chintāmaṇi* (14th century), tr. Tawney, pp. 122-123.



property of the people would be seriously jeopardised. In any case, the reports of spies should be carefully scrutinised.¹ All government employees must be above corruption. None should damage the interests of the king. None should shield offenders or bad characters.

The capital of a state should be situated in the midst of a fertile, verdant, well-watered country, if possible near the sea and not far from the hills. It

The Capital.

should have the shape of a half-moon or a circle or a square. It must be protected by walls and ditches pierced by four gates in four directions. Its water-supply must be amply provided by wells, tanks and pools. It must be beautified by parks which should be laid out in rows. It must have temples dedicated to gods.

Taverns and serais must be provided for sheltering travellers and merchants. These, it is emphasised, should be very numerous. They should be built strong and must be provided with tanks. Their rooms should be "uniform and in a row and may face the north and east." "In the market-place stalls or shops are to be placed according to the classes of commodities." For administrative purposes, the capital must be divided into wards. In the centre must stand the government buildings and in their midst must rise the royal residence, square but sloping towards the north. It must be "well-adorned with spacious tanks, wells and water pumps," and must have stables for "elephants, horses and cattle." The palace walls must be pierced by four beautiful gates in four directions defended by strong machines and guarded by well-armed sentinels. There shall be three courtyards, each patrolled day and night by four, five or six well-armed guards changing duty every three hours. Within the palace itself, the eastern

¹ Śukra, 51-2, 46, 40, 269.



spaces should be occupied with apartments for laundry, baths, kitchens, dining-halls and halls for worship. "For sleep and entertainments, for drinking as well as weeping, for grains and grindstones, for servants and maids, as well as for committing nuisances, houses should be built in order, towards the south. Towards the west will come sheds for cows, deer, camels, elephants, and other animals. The northern rooms, strong and beautiful, are reserved for chariots, horses, arms and weapons, gymnasium, watchmen, for clothes and provisions as well as for the study of the branches of learning."

On this side, too, shall stand the court-house and the museum. The whole arrangement is rather arbitrary. Perhaps it merely follows some existing arrangement. Śukra himself realises that no particular merit attaches to the rules he lays down. He wisely adds that the king may here follow his own inclinations. The capital must be connected with other towns and villages by a net-work of roads.

Into the minute regulations on housebuilding it is needless to follow the author, but it is interesting to note

the details about the council house.

The Council House.

It is to be strong and beautiful; rectangular in shape, twice or thrice as long as wide, with one, two or three floors, mounted by tents on the top. It is to be divided into three, five or seven rooms, each provided with windows on all sides. The height of the hall must be either equal to its width or greater by one-fifth. The central room must be twice as wide as the side rooms. "The Council House is to be furnished with instruments for throwing water upwards, musical instruments for distributing air and also for indicating time, mirrors as well as pictures." "Dwelling-houses for ministers, clerks, members of council and offices should be built

separately to the north or east. Then follow the cantonments.¹

Śukra realises the importance of the means of communication. Royal highways, ranging in width from five to

Communication. fifteen yards, should radiate from the palace in all directions. The capital must be

connected with towns and villages by roads. The centre of each village should be the starting point of roads and paths, nearly seven yards in width in all directions. Villages should be connected with each other by roads and footpaths of various widths. The different dimensions are given as follows :—

(1) Rājamārga or	30 cubits wide.
Royal highway ... (1)	
Do.	20 "
Do.	15 "
(2) Mārga (highway)	... 10 "
(3) Bithī ...	... 5 "
(4) Padya ...	... 3 "

The roads should be high in the middle, like the back of a tortoise to allow rain-water to flow down freely. Drains should be provided on either side. Houses must face the high-ways, with their backs on the by-paths. Every year roads must be repaired with gravel. Convict labour should be employed in the work. Roads must be carefully protected. All who dared to molest the travellers should be severely dealt with.²

There must be a serai or rest-house between every two villages. "It is to be daily cleared and well-governed

¹ Ibid., 27—35.

² Ibid., 34-35, 43, 184-185, 189-190, 192, 194—206, 209, 211, 213-214, 217—219, 255-256.

Rest-Houses.

by the rulers of grāmas." Every one who alighted there should be asked, "Where are you coming from and why? Whither are you going? Speak truly. Are you, or are you not, with attendants? Have you any arms in your possession and have you any conveyances with you? What is your caste? What are your family and name? What is your permanent residence?" The answers were duly noted. In the evening, the arms, if any, of the travellers were removed. The master bade them farewell by advising them to "take sleep carefully." He should close the gate and appoint guards to keep watch every three hours alternately. As the sun dawned, the travellers were to be awakened and counted. Their arms were to be returned to them. The gate should open and the officers should see the travellers up to the boundary line.¹

It is clear that Śukra would assign extensive functions to the state. A theoretician, he never pauses to consider whether and how his precepts could be translated into practice; but he draws up a momentous catalogue of the duties which rightfully devolve on the government. The king, that is, the state must see that no deceit was practised in weights and measures; that the articles exposed for sale were not adulterated. Agriculture should be encouraged by planting useful plants in villages and trees in forests. The state must regulate gambling, drinking, hunting, and licenses for bearing arms. It must control the medical profession. It must supervise the drawing up of deeds indicating sales, gifts or loans. Not only the sale of intoxicants and poisons, but also that of gold, silver, jewels, immovable property, cows, elephants, horses, camels

¹ Ibid., 35-36.



and buffaloes must be supervised by the state. The sale of men into slavery must engage the attention of the authorities. The arts and sciences must be actively encouraged. Royal officers themselves must be trained in them. Every year honours and rewards must be conferred on persons who had attained proficiency in them. Nor was the moral and religious life to be neglected. The king should erect temples to Viṣṇu, Śaṅkara, Gaṇeśa and other gods and instal suitable images therein. If the king is not a perfect guide, his subjects would fall into trouble as a boat without a pilot sinks into the sea. Every one must be kind and gentle towards his wife, children and disciples. Husbands and wives, sons and fathers, brothers, preceptors and pupils, masters and servants, should live in peace. The time-honoured social institutions must be maintained. Organised bands of ruffians should be exterminated one by one. Charity should absorb $\frac{1}{4}$ of the total income of the state. An equal amount should be devoted to popular entertainment. None should insult or sneer at his parents, respectable seniors, or "men of learning and virtuous character." None should hinder the movements of the poor, the blind and the deformed. None should obstruct tanks, wells, parks, boundaries, temples or roads.¹

Not the least of the functions of the state was the correct administration of justice, which occupies a large space in Śukraniti. Offences are

Justice. of four kinds—those committed through the body, through speech, through the mind, through association. Each, again, may be two-fold—known or 'approved.' Each head is further divided into four categories—temporary, constant, habitual and natural. But the broadest division is merely threefold

¹ Ibid., 40-41, 50-51, 160-165, 136-137, 150, 10-11, 166-7. On directions about temples and images, pp. 167-182.



—first, second and third, each supposed to be worse than the foregoing. In the determination of punishment, personal character should be taken into account. Men fall into three classes—first, second and third. Punishment itself may be divided into three grades—good, middling and low.

Śukra admits a large variety of fines but he lays down that financial motives should never inspire judicial administration. Imprisonment with “ignoble works” for one, three or six months or for a year or for life is prescribed, but Śukra here seems to forbid capital punishment. The State has the right to expel murderers, cheats, atheists, adulterers, corrupt officers, sedition-mongers, prostitutes, or those who violated social conventions, sold their daughters or injured their kith and kin. These and other miscreants “should be bound and transported to islands or forts, and employed in the work of repairing roads and made to live on insufficient and bad diet.” Those who forsook their parents or wives and turned vagabonds should be bound in chains and set to repair roads.¹ The administration of justice stands in the forefront of the duties of the State. The wicked must be punished. The people must be protected and their welfare must be actively promoted. Enemies must be destroyed. Their destruction means “the prevention of them from committing injuries.” All cases must be decided according to Dharmaśāstras. The king’s justice, however, must always respect local usage. Śukra expressly contemplates a case in which one would be punished for what would be no offence in another. But in no case is punishment to be arbitrary.

Trials should be held in public. The king should never try cases alone. He should sit with judges and Brāhmaṇas.

¹ Ibid., 134-135.



The Judicial System.

Judicial appointments should mostly go to Kṣatriyas, but may also be conferred on Brāhmaṇas or Vaiśyas, well qualified, but not on Śūdras. The principle of devolution and popular justice is recognised. "The cultivators, the artizans, the artists, the usurers, corporations, the dancers, the ascetics and thieves should decide their disputes according to the usage of their guild, etc." So, too, the principle of Jury had an ample scope. "The foresters are to be tried with the help of foresters, merchants by merchants, soldiers by soldiers," and in the village (affairs are to be administered) by persons who live with both parties (*i.e.*, neighbours). But they are not to try cases of robbery or theft. The king should give no "decisive opinion in a dispute among Brāhmaṇas regarding the interpretation of a procedure of sacrificial ritual" (p. 184).

In the judicial hierarchy, as a whole, families or Kulas came first; next, Śrenīs or corporations, next Gaṇas or communities, next Royal Officers, next the Adhyakṣa or Chief Justice, and finally, the King who is "the dictator of what should be done and what not." The court should carefully acquaint itself with the customs and institutions of the locality. The judge should put questions to both sides. No statements should be extorted from anybody. Spies and secret agents played a conspicuous rôle in the detection of crime. Roughly, criminal cases and cases of sedition or insult to the king were taken up by the courts of their own accord. Civil cases had to be instituted by one of the parties. Warrants were issued for apprehending those against whom complaints were lodged. Failure to comply was severely punished. If the defendant, when produced in court, was found to have other engagements, he was allowed to go but reasonable security was taken for his appearance. The security must be honest, wealthy,



renowned and reliable. He must guarantee for the accused.

Pleaders appeared before the courts. The lawyer's fee is $\frac{1}{16}$ of the interests involved or, it might be $\frac{1}{20}$, $\frac{1}{40}$, $\frac{1}{80}$, $\frac{1}{160}$,

Pleaders etc., being smaller "in proportion as the amount of value or interest under trial increases." More than one pleader was sometimes appointed. In that case, "they are to be paid in some other way." If a pleader charged more than the appointed fee, or if he injured the interests of his client, he was to be punished. Pleaders must be versed in the law and dharma, though the test of proficiency is not given. But it will appear that pleaders were largely restricted to civil jurisdiction. At any rate we are told that there are to be no lawyers in cases of "murder, thieving, adultery, taking forbidden food, abduction, harshness, forgery, sedition, and robbery."

In criminal cases, such as those of violence, thieving, felonies, abuse, assault or kidnapping, all could be witnesses. In other cases, children, forgerers, relations, enemies, prejudiced persons or inferior caste people were not to be witnesses. Nor were women to be witnesses except where female interests were concerned. Witnesses must speak the truth on risk of severe penalty. No one should speak unless he is asked to. No forced or tutored evidence was admissible.

Śukra recognises the usual ordeals:—fire, poison, vessel water, virtue and vice, rice and oaths, each more weighty than the succeeding one. The ordeal was prescribed in cases of murder, sedition, adultery, incest, or 'mortal sins,' or where other evidence was lacking. Criminal law regarding thefts would require

Rs.

(1) Fire ordeal in suits of	...	...	1,000
(2) Poison " " "	...	...	750

				Rs.
(3)	Balance ordeal in suits of	...	...	666
(4)	Water " " "	...	...	500
(5)	Virtue and Vice " "	...	...	250
(6)	Rice " "	...	...	125
(7)	Oaths " "	...	...	62

Such are the salient points in Śukra's judicial system. Śukra wants justice to be perfect and declares that a trial may be repeated once, twice or thrice.¹

¹ For the whole judicial system, Ibid., pp. 184-185, 183-209.

It is instructive to compare Śukra with Alberŭnf's realistic account of India on the eve of the Muslim conquest. He notes that a Brāhmaṇa who murdered a person of another caste was bound, according to law, only to perform an expiation consisting of fasting, prayers and almsgiving. But if a Brāhmaṇa murdered a fellow-Brāhmaṇa, the law did not allow him to perform an expiation so that he might be punished to the full in future. Such may have been the law in theory but continues Alberŭnf, what rulers actually did was to expel and confiscate the property of any Brāhmaṇa or Kṣatriya who committed any of the four greatest "mortal" crimes :—

- (1) The Murder of a Brāhmaṇa.
- (2) The Killing of a Cow.
- (3) The Drinking of Wine.
- (4) Whoredom especially with the wife of one's father or teacher.

A little later Alberŭnf states that for heavy theft a Kṣatriya was mutilated) by amputation of the left hand and right foot or right hand and left foot); a Brāhmaṇa was similarly mutilated as well as blinded; while members of other castes would be put to death. For ordinary theft punishments varied according to circumstances. "Sometimes a punishment of extreme or of middling severity is necessary, sometimes a course of correction and imposing a payment, sometimes only exposing to public shame and ridicule." (Alberŭnf, India, tr. Sachau, Vol. II, 161-162.) It is remarkable that neither the general law as laid down by Smṛiti or Nīti writers nor the claims of privilege accord exactly with facts. In the case of one offence, at any rate, Kṣatriyas are better off than Brāhmaṇas. All the same, caste privilege is apparent in practice. Alberŭnf devotes a chapter (LXX) on law suits.

Documentary evidence was preferred; otherwise at least four witnesses must be forthcoming. There were several kinds of oaths and ordeals. The oath itself was a kind of ordeal. Then there were the ordeals by poison, water, idols, balance, gold and hot iron, each higher than the foregoing. In the ordeal by balance, a man, after the first weighing, calls upon spiritual beings to witness to his veracity, writes down what he speaks on a piece of paper and fastens the paper to his head. When placed in the scale again, he ought to weigh more than on the first occasion to prove his innocence. (Alberŭnf, India, tr. Sachau, II, pp. 158-160). Here, in spite of minor difference, Alberŭnf is in substantial agreement with Śukra.



To defray the expenses of the multitudinous activities, the state must possess a plentiful treasure. Every possible means should be employed to increase the revenue. Elsewhere, however, Śukra notes that new taxes are hateful to people. The state should also keep stores of "grains, minerals, medicinal plants, grasses, wood, implements, arms, weapons, gunpowder, vessels and cloths" to serve all possible civil and military contingencies.¹

Half the revenue should be deposited in the treasury. Of the rest, one-half, that is, one-fourth of the total income, should be devoted to the army.

One-twelfth of the total revenue should cover the salaries of the village headmen. The remainder is to be divided equally, that is, in shares of one-twentieth of the total income, between charity, popular entertainment, officers' salary and the personal expenses of the monarch.²

It will be remembered that Śukra confuses feudatory states with administrative areas proper. Elsewhere too, he looks askance at "protected princes."

They must be carefully watched. If they did not observe the law, they must be deposed. Under certain circumstances they may be pensioned off, the amount of the pensions being determined according to their character. Courts should be established in their territories.³

On foreign policy, Śukra has nothing new. As ever, the foreign affairs of a Hindu state were dominated by two salient facts. There were numerous states and they stood close to each other. A king should, therefore, strive

¹ Śukraniti, 138, 140, 89.

² Ibid., 43-44.

³ Ibid., 47-48, 52.



to get as many allies as possible. He must never be harsh towards them. Nor should he play them off against one another. On the other hand, he should assiduously attempt to cultivate the goodwill of subjects oppressed by a hostile king. He must try to detach them from their allegiance to their sovereign. In foreign affairs, force and fraud are allowed. "One should wait guardedly like the cat and the fowler and by creating confidence extirpate the enemy whose soul has been ruined by vices." While discussing the subject of foreign policy, Śukra lays down a maxim for domestic administration. "Subjects should be so governed that they can be neither too powerless nor too powerful."¹

The only other Niti writer to whom reference need be made bears the name of Vaiśampāyana. His Nītiprakāśikā

Vaiśampāyana's Nītiprakāśikā.

is interesting but contains little that is new.² Several Purāṇas contain passages which read like excerpts from Nītisāstras.³ A good deal of Niti instruction is embodied in small poetic pieces and yet more abundantly in story books after the Buddhist fashion, but these compositions properly belong to the class of general literature and should be reviewed along with it.

During the Middle Ages many Niti works were composed closely following the lines traced out in the ancient age. Nor has the stream altogether dried up in modern days. For instance, a board of ten Paṇḍitas at the court of the Sikh Mahārājā Ranjit Simha at Lahore in the first half of

¹ Ibid., 261, 130.

For Śukra's military organisation, pp. 78 *et. seq.* and Ch. IV, Sec. VII. On Forts, Ch. IV, Sec. VI.

² Vaiśampāyana, Nītiprakāśikā, ed. Gustav Oppert, 1882.

³ Cf. Garuḍa Purāṇa, Chs. 111—113.

the nineteenth century compiled a *Nītisāstra* called *Vivādārṇavasetu*. They expressly draw upon the old *Dharma Śāstras* and *Dharma Śāstras* and deal with law and administration. The selection of passages and the prose comments thereon indicate how ancient doctrine was modified to suit modern conditions. But the tone of the *Vivādārṇavasetu* is still the same.¹ Under the patronage of the third prince of Pannā in Central India in the nineteenth century, *Puruṣottama Bhaṭṭa* composed a *Nitimanoramā* in Sanskrit² which acquired some popularity in that part of the country. It gives the old precepts and imitates the old style though not quite successfully. A commentary was also written on it. Luxuriant has been the crop of commentaries on the older *Niti* works. The precepts of *Vidura* and *Dhaumya* were called from the *Mahābhārata* and subjected to analysis and explanation.³ *Kāmandaka*, *Śukra*, *Bhoja*—all came in for their share. The medieval vernacular literatures, however, are rather poor in *Niti*. There, the word itself tends to lose its political associations and to be confined to ethics. In the seventeenth century the great Hindi poet *Tulasī Dāsa* in his *Rāma Charita Mānasa* uses it to denote filial or fraternal duties.

¹ *Vivādārṇavasetu* (*Nītisāstra*), Bombay, Vikrama era 1945. The names of its compilers were *Bāleśwara*, *Kṛipā Rāma*, *Rāma Gopāla*, *Vāreśwara*, *Kṛiṣṇachandra*, *Śrī Gaurīkānta*, *Kālāśaṅkara*, *Śyāmasundara*, *Kṛiṣṇakeśava*, and *Sītā Rāma*. The work was consulted by *Ranjit Simha's* officials in administering justice.

² *Nitimanoramā*, *Bharat Jivan Press*, Benares, 1880.

³ For instance, *Viduranīti* with *Viṣamapadaṭṭippana* in the *Kalānidhi Series*, Bombay, 1890.

CHAPTER X

Classical Sanskrit Literature

The ideas which the legal and political writers expounded became part and parcel of the Hindu cultural tradition.

The beginnings of Classical Sanskrit Literature. They are reflected in literature, in poetry, in fiction, in biography and in history. Here is little that is original but the form and setting of the traditional wisdom are interesting.

It need hardly be added that the works to be noticed here are written indiscriminately in verse or prose or partly in both. In ancient India, all subjects from the most abstruse to the most trivial, were handled in prose or verse equally well. The old theory of a Renaissance of Sanskrit literature in the Gupta age or in the sixth century is now completely discarded. Sylvain Levi suggests that the initiative of the Śaka satraps of the second century A.D. in Western India was responsible for the extension of Sanskrit to the meaner purposes of secular writing. But the

works of Aśvaghoṣa who flourished in the age of Kanīṣka, either in the latter half of

the first century A.D. or probably at the latest in the middle of the second century, leave no doubt that Sanskrit was already employed for various purposes.¹ Aśvaghoṣa

A characteristic of Classical Sanskrit Literature. is no mere dilettante; he is a master. The ground for him must have been prepared by others. It has been said that Sanskrit poetry is essentially aristocratic,

¹ On the whole subject, A. B. Keith, *Classical Sanskrit Literature*, 7—21. Macdonell, *History of Sanskrit Literature*, 318—324. The theories of Max Müller and Bhāṇḍārkar on the revival of Sanskrit in the 4th, 5th, or 6th century A.D. are set aside not only by the discovery of the works of Bhāsa and Aśvaghoṣa but also by the epigraphic researches of Bühler, Fleet and others. For the views of Sylvain Levi, *Indian Antiquary*, XXXIII *et. seq.*



that is, it is the poetry of those who sought or enjoyed the favour of princes.¹ So wide and various, however, is the use of Sanskrit among Buddhists, Jainas and Brahmanic Hindus that the dictum is clearly an over-statement. But, undoubtedly, a large number of Sanskrit poets flourished at the courts of princes and reflect the court atmosphere. They rarely evince a definite political *motif*, but from the nature of their surroundings or their plots they often make incidental political reflections. It is impossible to refer to all Sanskrit works but it is desirable to review the more important of them. Here, as elsewhere, the uncertainty of dates is a severe handicap, but, fortunately, classical Sanskrit literature, which could make no claim to divine origin or legal authority, has suffered little from interpolations.

As Sylvain Levi puts it, Aśvaghōṣa's *Sūtrālaṅkāra*, along with his *Buddhacharita*, constitutes the first chronological landmark "in the nebulous chaos of the literary history of India." It is

Bhāsa. thus Aśvaghōṣa who stands at the head of classical Sanskrit literature.² He is the forerunner of Kālidāsa. But he occupies so prominent a place in Buddhist Mahāyāna literature that he has to be noticed in connection with Buddhist theory. The *Mṛichohhakaṭika* has been ascribed to the 3rd century A.D., but the date is more than doubtful. After Aśvaghōṣa the next outstanding figure is probably the dramatist Bhāsa whose plays, recently discovered in Southern India, seem to prove him a forerunner of Kālidāsa.³

¹ A. B. Keith, *Classical Sanskrit Literature*, 21.

² The *Kāmasūtra* or *Kāmasāstra* may be, in some form, older than Aśvaghōṣa but its date is not certain.

³ Bhāsa's plays have been edited by T. Ganapati Śāstrī and published in the Trivandrum Sanskrit Series, No. XV, *Svapnavasavadatta*; No. XVI (translated into English by Sukthankar, Oxford University Press, 1923). *Pratijñānayaugandharāyaṇam*,



It is in the drama that classical Sanskrit literature touched its high-water mark. Bhāsa is probably the first of the long line of dramatists which continued for many centuries. Probably, he is not later than 350 A.D. But during the last few years the date and authorship of the works attributed to him have formed the subject of an acute controversy. While their discoverer and editor Gaṇapati Śāstri stands for the 5th century B.C., and for the common authorship of the thirteen plays discovered, it has been argued that these are not the product of a single mind, that, at the most, they can only belong to a single school and that they took shape about the 7th century A.D. But the fourth century A.D. and along with it identity of authorship is still the best working hypothesis. Like so many later dramatists, Bhāsa borrows his plots from the Rāmāyana, the Mahābhārata and popular legends. Kings, ministers and ambassadors jostle one another

No. XVII, Pañcharātram; No. XX, Avimāraka; No. XXI, Bāla-charita; No. XXII (which comprises five small plays); No. XXVI, Abhiṣekanātaka; No. XXXIX, Chārudatta; No. XLII, Pratimānātaka, between the years 1912 and 1915. For the date and authorship, T. Gaṇapati Śāstri, Bhāsa's Dramas, a criticism; also introduction to Svapnavāsavadatta and Pratimānāṭakam. It is on linguistic grounds that Gaṇapati Śāstri places Bhāsa before Pātañjali, Kātyāyana and Pāṇini; L. D. Barnett in Bulletins of the London School of Oriental Studies, Sukthankar, Studies in Bhāsa, in J. A. O. S., 42; Keith, Sanskrit Drama, 91—126. The Pisharodis and C. Kunhana Rāja also contest Gaṇapati Śāstri's theory. Also C. R. Devadhar, "The Plays ascribed to Bhāsa, their Authenticity and Merits." Annals of the Bhandarkar Institute, 1925-26 (Vol. VII, Parts I and II), pp. 29—64. Bhāsa is inferior to Kālidāsa in genius but he is much better adapted for the stage. It has been suggested that he represents a reaction against the ornate drama but it is equally plausible that his style was overlaid with ornament by his successors. Numerous comparisons have been drawn between Bhāsa and Kālidāsa. For instance, Gaṇapati Śāstri's Introduction to Pratimānātaka, Keith, Sanskrit Drama, 124—126.



on his stage but his plays are not political. Not even the *Abhiṣekanâṭaka* fulfils the expectations raised by its title and its plot which begins with the conflict of Râma's ally, the monkey Sugriva, with his brother Bâli and ends with the fall of the demon Râvana. Another piece, the *Chârudatta*, which probably supplied the plot to Śudraka's *Mṛichohhakatikâ*, is no better from the political point of view, though it throws interesting side-lights on the manners of those days. In *Avimâraka*, Kauñjâya, one of the two ministers of king Kuntibhoja, laments the sad plight of those fools whom vanity prompts to accept the office of ministers. If their projects are successful, the glory falls to the strength of the sovereign. But if they fail, they are denounced for incompetence.¹ Shortly after, the minister wants the king to honour the envoy of the Benares sovereign. The king exclaims that the ministerial mind looks only to business, not to affection. When called in, he feels how heavy is the burden of the crown. Dharma or the law must be considered at first. The working of the minister's mind must be followed intelligently. The king must conceal his passions—desires and anger. A policy of mercy or sternness must be (determined and) followed as the juncture of events requires. Through spies—eyes of the king—the doings of the people must be perceived; so, too, the maṇḍala of neighbouring kings must be watched. The king must carefully guard his own person and yet expose it on the field of battle.² In the second act, the hero *Avimâraka* incidentally remarks that according to the injunction of Śâstras one should hold consultation with two (councillors).³ In a single-act play *Dâtavâkyam* where the

¹ *Avimâraka* (ed. Gaṇapati Śâstri), p. 4.

² *Ibid.*, p. 13.

³ *Ibid.*, p. 31, stanza ii on the same page for another political touch.

plot consists of Kṛiṣṇa's futile mission to Duryodhana on the eve of the Great Civil War, sovereignty appears in all its pride. Duryodhana scoffs at the idea of reconciliation. Princes enjoy dominion after defeating their enemies. Dominion is not to be begged in this world. Nor is it to be bestowed on the helpless.¹ The Pratijñāyugaṇḍharāyaṇam enshrines a beautiful picture of ministerial loyalty. Apart from these and similar unimportant political touches, it is clear that Bhāsa upholds the Brahmanic order of things and recognises the supremacy of Brāhmaṇas. In another single-act play, called Madhyamavyāyoga, based on a Mahābhārata incident, Bhīmasena, proud of his Kṣatriya origin, feels that a Brāhmaṇa deserves the highest worship and is ready to sacrifice himself for his safety.² His inspiration throughout is that of the epics and his general conception of government is that of a virile, vigorous, righteous despotism.

Bhāsa's Chārudatta has a family resemblance with the first four Acts of the Mṛichchhakatikā. Those who would bring Bhāsa down to the sixth or seventh century hold that he merely abridged the more famous play. On the priority of Bhāsa, the conclusion is irresistible that he was drawn upon by the later dramatist who wrote probably in the fourth century A.D. The work is ascribed to a king Śūdraka, but the remarks on Śūdraka himself show it to be the handiwork of a court poet.³ In any case, the Mṛichchhakatikā is one of the most remarkable Sanskrit works

¹ Dūtavākyaṃ (ed. Gaṇapati Śāstri), p. 38.

² Madhyamavyāyoga (ed. Gaṇapati Śāstri), p. 17.

³ There are several editions of the Mṛichchhakatikā. The Bombay one is edited by Raddi and Paranjape, who refer the play to the first century B.C. (Introduction, pp. 5—9.) Translation, called the Little Clay-Cart, by A. W. Ryder, Harvard Oriental Series, No. 9, 1905. Keith, Sanskrit Drama, 128—142.



in point of dramatic portraiture and liberality of sentiment. The tyranny of custom is relaxed. Śūdraka, who, in spite of Konow's brilliant hypothesis, must remain a legendary person, is represented by the Sūtradhāra in the customary prologue as endowed with many of those qualities which the Hindu ideal of kingship demanded. He had knowledge, religious as well as secular. He was versed in the R̥gveda and Sāmaveda, in mathematics and arts. He was warlike and energetic and the delight of those who knew the Vedas. In the body of the play itself love and politics go hand in hand. In the tenth and last Act, misrule and oppression lead to a revolution resulting in the death of the king Pālaka.¹

Whether the author of the *Mṛichchhakatikā* actually preceded or followed Kālidāsa it is not possible to say. Probably the two lived about the Kālidāsa. same time. But the date of Kālidāsa is still one of the vexed problems of Indian history. Few will place him to-day as late as the sixth century A.D., but there is a tendency among some Indian scholars to establish the correctness of the traditional date, the first century B.C. Astronomical evidence places him in the fourth century A.D., which may be taken as the soundest working hypothesis. Kālidāsa has been claimed by Kashmir, Gujarata, Bengal, the Deccan as well as the northern Gangetic region. But if, as many scholars think and as appears extremely probable, the *Raghuvamśa* contains veiled references to the Gupta emperors, the author may be presumed to have enjoyed the patronage

¹ Belwalkar (on Bhāsa and Śūdraka), Proceedings of the First Oriental Conference, Poona.

The *Mṛichchhakatikā*, a study by N. Chatterpādhyāya, Mysore, 1902. Also Ryder's Introduction.

The *Mṛichchhakatikā*, Act I, stanzas 4-7, Act X, 6,



of the Imperial Court or at any rate to have come into contact with it. Probably he spent some time at Ujjayini, the chief town of Mālawā. On these hypotheses of the date and *locale*, Kālidāsa is immensely important as revealing the culture and ideas of one of the most brilliant periods of Indian history.¹ By universal consent, he is the greatest of Indian dramatists and greatest of classical Sanskrit poets. He sets forth, *inter alia*, the political ideals of his age with extraordinary literary grandeur. In the Raghuvamśa he sings afresh the glories of the solar race which had been celebrated by Vālmiki, the Purāṇas, and had been depicted, probably before him, by Bhāsa.

Here is the ideal of royalty in the very first Canto:—

So Raghu's line I sing,—pure from their birth,
Who till they won success worked on, and ruled
Earth to the sea; their car-track reached to Heav'n
The altar-fire they tended, suppliants all
Most fully satisfied, ill-deed with stripes
They punished—nor were slothful in their rule.
Wealth they amassed to scatter; fame in war they
sought,

¹ On the time and place of Kālidāsa, there has grown up a voluminous literature in European and, latterly, in Indian languages. But the question of his age, as Macdonell observes, "is not likely to be definitely solved till the language, the style, and the poetical technique of each of his works have been minutely investigated, in comparison with datable epigraphic documents, as well as with the rules given by the oldest Sanskrit treatises on poetics." Sanskrit Literature, 325. On the subject see Macdonell, Sanskrit Literature, 323—325; Keith, Sanskrit Drama, 143—147, and Classical Sanskrit Literature, 31—32, also J. R. A. S., 1901, p. 578, ff.

Hoernle, J. R. A. S., p. 89, ff.

Pāthak, J. B. B. R. A. S., XIX, p. 39, ff.

K. G. Shankar, Quarterly Journal of the Mythic Society, Vol. VIII, 278—292; Vol. IX, 17—56; Annals of the Bhandarkar Institute, Vol. II, 189—191; The Indian Historical Quarterly, Vol. I, 309—316. In the last paper, the writer alters his opinion and argues for the first century B.C.

K. Chattopādhyāya, The Date of Kālidāsa, in the Allahabad University Studies, Vol. II, 1926, pp. 79—170, argues for the 1st century B.C., and *inter alia* aims at proving that Aśvaghoṣa modelled himself on Kālidāsa and not *vice versa*.



Ne'er spoke they falsely ; sparing words,
Not gain,—and wedded love for noble seed.
Their children studied, gravely youth pursued
Decent pleasures, and in ripe old age
Ascetic lived they—till through pious thought
At length they passed to win the Bliss Supreme.
Me, poor of words and foolish, has their fame
That sounded through the worlds late moved to write:—

.....
Of Dilipa with whom the dynastic story begins :—

.....'mong Kings a Moon,

As in the Milky Ocean Soma rose,
Broad-chested, tall as Shat-tree, as a bull
Wide-shouldered, long of arm, the Warrior-race
He seemed embodied, fit for famous deeds.
All-glorious, all-surpassing, he bestrode—
Like Meru's self—the earth. His vigorous mind—
Matched with his beauty, while his Holy Lore
Was equal with them : valour and success
Were twinned : and still his Kingly virtues made
Him to his foes a terror, but his folk
Loved him and honoured,—as the sea yields pearls
Yet nurtures monstrous births. He held the path
That Manu traced, no Hair's breadth strayed his folk
From that pure model. Save to guard the realm,
No tax was taken : so the Sun derives
From earth that moisture which a thousandfold
He soon gives back in rain. His armed host
Was escort only for the King, who used
Two arms alone in war, his insight keen
In Holy Lore, and bow well-strung. Mankind
Knew his deep purpose when it came to fruit,
Not sooner : fathomless his mind and ways :—
So here we reap the fruit of former lives !

Fearless he guarded, duty's path
He strictly followed, wealth he stored, nor grudged
To spend that wealth, and unenthralled enjoyed
His royal pleasures : wise, he spared his words,
Slightly yet patient, generous secretly,
Opposed virtues seemed in him twin-born,
By sense unshackled, straining Brahma-wards,
By duty curbed he pleasure,—that his age
Brought no decay. For nurture, maintenance
And for protection looked his folk to him,
Their parents gave life only. So the king
Repressed the sinful, held the world upright,
Loved virtue, wedded for the Father's sake,
Kept righteous ways. As Indra doth for corn,
He drew from Earth her wealth for Sacrifice,—
And both alternate mildly ruled the Worlds,
His glory other Kings despaired to reach,
For theft, ungrasping, lived in name alone.
A worthy foe he honoured, as one sick
Loves healing bitters ; friends unworthy proved
Like hand snake-bitten did the King cast off,
Him the Creator formed of choicest seed,
To rear for men rich crop of good ; alone
He reigned over earth, sea-moated, girdled round
By ocean-ramparts, like a single town.”
Again,
It is Kṣatriya's duty to save others from harm
..... Whoe'er betrays that trust
Would forget Royal State and earn full scorn.”¹

Universal dominion is assumed as the *summum bonum* of royalty. It is with real poetic fervour that Kālidāsa

¹ Kālidāsa, Raghuvamśa, tr. de Lacy Johnstone, Canto I, pp. 1-4 ; II, 16 ; III, 23 ; Canto V.

describes Raghu's campaigns which brought nearly the whole of India under his sovereignty. It did not matter that Universal Sovereignty. the princes whom he laid low had done nothing to provoke his wrath. A horse-sacrifice was performed with all the religious solemnities. Under the chariot-wheels of imperialism, all independence was crushed. Yet annexation in the strict sense of the term is conspicuous by its absence. An indemnity, a tribute and homage are exacted as the outward symbols of suzerainty but autonomy in internal affairs is left undisturbed.

Among the duties of the king, one of the most important was the protection of saints and ascetics. To them the King has always to be accessible. For their sake Daśaratha parted with his young boys Rāma and Lakṣmaṇa, who braved all the dangers from forests, brutes and demons to save the ascetic sacrifices from pollution. Raghu reduced himself to poverty by his generosity to Brāhmaṇas and others. Kālidāsa delights in painting the majesty and bounty of royalty but he would not like a king to stick to worldly pomp to the last. Raghu installed his son Aja as heir-apparent and associated him in the task of administration. The prince became half the king as the poet puts it. Some time later, Raghu retired from the world altogether into the forest, and Aja assumed all the insignia of sovereignty. This custom really averted civil wars of the type that contributed so much to the ruin of the Mughal Empire. Here was not much room for the quarrel of father against son, of brother against brother.¹

In the *Mālavikāgnimitra*, his first dramatic piece, Kālidāsa handles royal and courtier characters but does not

¹ Kālidāsa, *Raghuvamśa*, Cantos IV, V, VIII, XI. On the Story of Rāma there is a Prākṛit epic called *Setubandha* or *Rāvaṇavadha*, which is attributed, probably wrongly, to Kālidāsa.



give much of political theory. The few references, however, Kālidāsa's that occur are quite interesting. The dramas. ideal of universal sovereignty is extolled in the very first lines. Enemies must be quickly extirpated lest they take deep root into the soil. The business of the state was divided into different departments under different ministers. They addressed their master in the most flattering terms. Among border princes, one of the commonest causes of dispute was the imprisonment of each other's subjects. The custom of approaching sovereigns with presents is clearly indicated. *Mālavikāgnimitra* shows the disquiet of a polygamous royal household. Occasionally, it must have reacted dangerously on the policy of the state.¹

The *Vikramorvaśī* also reveals a royal harem but, otherwise, politically it is disappointing. *Śakuntalā*, too, the most charming product of a Hindu genius, which won Goethe's deep admiration, has singularly few political ideas. The King is the protector of all. He takes one-sixth of the produce of the soil in return for the functions he performs in society. He receives one-sixth of the merits and demerits of his subjects.² The king has to labour incessantly for his subjects as for his children.³ The king, like a tall tree, has to bear the heat and brunt, to shelter those under his charge. Royalty, like an umbrella in hand, makes more for inconvenience than for enjoyment. The king has to protect, adjudicate and to chastise. The king ought to be the nearest of kin to all.⁴ In a charming dialogue, *Duṣyanta* regrets to hear of the death of a childless merchant whose

¹ *Mālavikāgnimitra*, tr. Tawney, pp. 1, 7—9, 29-30.

² *Śakuntalā*, Act V, Śloka 4. "Unceasing toil is the lot of kings who draw one-sixths from their subjects."

³ *Ibid.*, V, 5.

⁴ *Ibid.*, V, 6, 8.



property must escheat to the state. He instructs his minister to ascertain if any of the wives of the deceased was pregnant. He rejoices to learn that one of them had just undergone the ceremonies on pregnancy. He ends by proclaiming the right of the unborn child to the property.¹ In the Kumâra Sambhava oppression leads the oppressed to crave for divine intervention which is readily granted. The Megha Dûta, the cloud messenger—the finest of Sanskrit lyrics, has nothing political.

Bhâravi, who belongs probably to the sixth century, ranks far below Kâlidâsa in pure literature, but he has a good deal more of political ideas. A
Bhâravi. minister must always give the best advice to the king. The king must always be ready to listen to wholesome advice, however bitter it may be. Prosperity comes when king and minister accord with one another.

Intricate, indeed, is the policy of the kings. It is so difficult for ordinary people to comprehend it. A sound policy alone consolidates a kingdom. Duryodhana had acquired his dominions by evil means, but he was engaged in consolidating his power through wisdom. He had divided his day and night into a definite time-table and spent his hours "in the performance of his various acts supported by precepts of sound policy." He behaved with the frankness of a loving friend to his dependents. He treated his friends as relatives and brothers, while his kinsmen were veritable kings. Punishment was to accord with old and wise legislation, and must be proper, impartial and dispassionate. Rich awards and dignities were bestowed on retainers for the success of their errands. At the same time, the army, the elephant corps, the feudal militia—all were kept in readiness. Spies and envoys brought

¹ Ibid., VI.

accurate information of the doings of vassals. This course of policy had the desired result. His edicts were borne like wreaths of flowers, by "the rulers of men." Draupadi represents a fiery, warlike policy and, in the ardour of her enthusiasm for his cause, would like her husband to break his vow of not returning to the city for twelve years. Glory, fame, prosperity—at any cost, such was her motto. Bhīma, the brother of Yudhiṣṭhira, countenances this Machiavellianism. Mildness is a crime. Slavish adherence to promises is a folly. Yudhiṣṭhira, however, would have none of it. All angry passions must be controlled. Truth wins in the end. Vyāsa appears on the scene and counsels the acquisition of strength to achieve high aims.¹

Daṇḍin, who flourished probably in the latter half of the sixth or in the seventh century of the Christian era, repre-

sents a decadent stage in literary style as Daṇḍin.

in political wisdom. His *Daśakumāra-charita* or the *Doings of Ten Princes*, though left incomplete, traditionally ranks among the masterpieces of Sanskrit literature. His diction has been pronounced superior to that of Kālidāsa himself, though to a modern reader he appears turgid rather than brilliant. His work, needless to say, is devoid of all systematic philosophy but it paints a type of political activity which is often incidental to a monarchical court.

Of the princes, Rājavāhana is the chief. Somadatta Puṣpodbhava, Apahāravarman, Upahāravarman, Arthapala Pramati, Mitragupta, Mantragupta and Viśruta are merely his associates. We hear of a King of Magadha who had three ministers. The office of minister was sometimes hereditary and was recognised as such. Intrigue was

¹ Bhāravi, *Kirātārjunīya*, Canto I, 5, 7, 9, 10, 13, 14, 16, 21, 29–46; Canto II, 1–27, 28–52, also Canto III, Bhāravi is mentioned in the Aihole Inscription of 634 A.D.



rampant. Favouritism was the order of the day. Jealousy, slander, backbiting darkened the ordinary life of courtiers. Poison and the dagger were often resorted to. Here was Machiavellianism *par excellence*. In foreign politics, might was right. He who felt himself strong enough was justified in attacking his neighbour and annexing his dominions. More delightful glimpses, however, are not wanting. Proficiency in sacred law and political science is the surest means of success in administration. This is what enabled Punyavarman to manage a vast empire with conspicuous success. His son was versed in the arts but he knew nothing of policy. He fell into the hands of worthless favourites and sycophants and came to ruin. Vasantavarman possessed a good knowledge of political science but was innocent of sacred law and what was worse, weak in character. He found himself unable to consolidate and maintain an empire. Education was effective in the case of Bhâskaravarman. Viśruta combined knowledge with virtue and strength and achieved glorious success. Nothing is more disastrous than weakness of character in the monarch. It opens the flood-gates of all intrigue and corruption. Everywhere, the thorough education of princes is insisted on. The accumulation of wealth is necessary for the chastisement of the enemy. In Viśrutacharita, one is surprised to find a denunciation of unscrupulousness.¹

¹ Daṇḍin, Daśakumâracharita. On his date which is far from settled, Keith, Classical Sanskrit Literature, 70—73. Pâthak, Indian Antiquary, XLI, 235. In the Avantisundarî Kathâ which has just been discovered and which appears to be Daṇḍin's work, the author works on the same plot as that of the Daśakumâracharita. See the Avantisundarî Kathâ, edited (along with its Summary by an unknown hand) by Râmakriṣṇa Kavi, in the Dakṣiṇabhâratî Series, No. 3, 1924.



A work of an altogether different character is the three Śatakas or centuries of verses on love, resignation and policy, composed by Bhartrihari who, according to the Chinese pilgrim Itsing, died about 650 A.D. He is reputed to have been a king and a Buddhist but, according to Itsing, he alternated seven times between worldly life and asceticism. In any case, he acquired an extraordinary amount of worldly wisdom and considerable insight into human nature. In his Hundred Precepts of Policy, however, he confined himself to everyday affairs of the world. His Nitiśataka falls under the category of general literature and not under that of Nitiśāstra. Only occasionally does he refer to the king or the state and that only from the individual's point of view. He illustrates the tendency accentuated in later ages, of Niti or 'policy' to change its meaning and extend its sphere to all affairs. Bhartrihari counsels the nursing of the realm, moderation in assessing taxes. Kings who are subject to paroxysms of rage will find themselves friendless.¹

About the same time probably lived Subandhu, who in his extraordinarily difficult Vāsavadattā paints king Chintāmani as an embodiment of moral discipline, martial glory, beneficent protection and energy, as a universal conqueror and a patron of poetry and learning. Peace, virtue and happiness reigned in his age.²

¹ Bhartrihari, Nitiśataka, 46-47. It is interesting to recall that Bhartrihari was the first Sanskrit author who came to the notice of any modern European. In 1651, some of his verses were translated by a Brāhmaṇa into Portuguese for a Dutch missionary, Abraham Roger in the South of India.

² Vāsavadattā by Subandhu, translated into English with an Introduction and Notes by Louis H. Gray, New York, 1913. (Columbia University Indo-Aryan Series, Vol. 8, p. 47, ff.) Subandhu's



After Subandhu comes Bāṇa Bhaṭṭa whose novel, *Kādambari*, was for the most part composed probably at the Court of Harṣa, Emperor of North India, in the first half of the seventh century. It was completed by his son

Bāṇa's *Kādambari*. Bṛh̥ṣana Bhaṭṭa who in the *Uttarabhāga* successfully imitates the ponderous style of his father. In its opening pages the *Kādambari* idealises universal dominion. It applauds a king's generosity and literary patronage which resulted in the foundation of many literary societies. When painting a picture of glorious Ujjain, it applauds freedom of thought. "Though the flight of the mountains was stayed, the flight of thought was free." An ideal realm is a heaven of perfect peace, quiet, harmony, prosperity and virtue. There is no intermixture of castes. The monarch must needs be absolute but he should hearken to the words of his preceptors.¹

In the course of a long discourse, the wise old minister Śukanāsa warns the heir-apparent Chandrāpiḍa of the dangers of royal power and gives him plenty of excellent advice. He deprecates the idea of king's thinking of themselves as divine beings. He wants them particularly to avoid flatterers who extol them as divine.²

In his other work, *Harṣacharita*, Life of Harṣa, left incomplete, Bāṇa paints the glories of the emperor for whose audience numbers of conquered vassal princes wait at the gates. The poet delights in the delineation of royal pomp and splendour.

date is not quite certain. Bāṇa refers to his work in the Preface to his *Harṣacharita*. Gray places him in the sixth or seventh century A.D. (see the Introduction). Keith, J. R. A. S., 1914, pp. 1102 *et seq.* *Classical Sanskrit Literature*, p. 77.

¹ *Kādambari* by Bāṇabhaṭṭa, translated by C. M. Ridding in the *Oriental Translation Fund. New Series*, II, London, 1896. See pages 3, 4, 5, 7, 48—50, 77.

² *Ibid.*, 78—83.



In epic style he paints his patron's regime as one of perfect virtue, happiness and prosperity. It is significant that though attached to a Buddhist Court in all likelihood, Bāṇa stands up for the Brahmanical order. "Caste confusion," we read, "ceased as if cleansed by a rain from the smoke clouds of oblation fires."¹

To Harṣa himself (606—648 A.D.) is attributed the authorship of three dramatic pieces, the *Priyadarśikā*, the *Nāgānanda* and the more famous *Ratnāvalī*. Whether they were really composed by the emperor or by a poet of his court is impossible to dogmatise, but the difference in style precludes the possibility of Bāṇa's authorship.

The Chinese traveller Itsing has it that the *Nāgānanda* had been dramatised by Harṣa and the report might have been correct.² But none of the plays contains a statesman's *obiter dicta*. Political reflections are there, but they lack freshness even in their setting.

It is probably the seventh century A.D., so fertile in Sanskrit products, which witnessed the composition of the *Bhaṭṭikāvya* which seeks to combine grammatical instruction with an epic tale and poetic diction.³ It was attributed to Bhartṛihari, but it is undoubtedly the work of some one else. The *Bhaṭṭikāvya* upholds the orthodox Brahmanical order and, while narrating the story of Rāma in twenty-two cantos, scatters the received political ideas.

¹ *Harṣacharita* by Bāṇabhaṭṭa, translated by E. B. Cowell and F. W. Thomas, in the Oriental Translation Fund, New Series, II, London, 1897. See pages 48-49, 65, 81-82, 89.

² The *Ratnāvalī* has been edited by C. Cappeller, the *Priyadarśikā* by R. V. Krishnamāchāriar, Srirangam.

³ The *Bhaṭṭikāvya* by Mahākavi Śrībhaṭṭa, edited with Mallinātha's Commentary by Kamala Śankar Trivedi, Bombay, 1898.



It was probably in the seventh century that Bhaṭṭa Nārāyaṇa composed a play, *Veṇī Saṁhāra*, on a Mahābhārata incident.¹ It seeks to recall the aristocratic and political temper of the Kurus and Pāṇḍavas but treats of politics in terms of the family and the clan. The political touches which are occasionally furnished in the conversations follow the traditional type.

The work of the seventh century in the domain of Sanskrit literature continued at least in the first half of the eighth century. About 700 A.D. comes Bhavabhūti. Bhavabhūti, author of three plays, the *Mālātī Mādhava*, the *Mahāvīracarita*, and above all, the *Uttara Rāma Charita*. The last two considerably modify the Rāmāyaṇa story in their plots. The *Uttaracarita* dares to criticise Rāma's action in exiling Sītā to calm irrational rumours, but it admits the high regard which a king must pay to popular sentiment. For the rest Bhavabhūti, a Brāhmaṇa of the Taittiriya school of the Yajurveda, is a believer in orthodox Brahmanism. In one of his scenes King Rāma is thrown into consternation when he is informed that a Śūdra was, contrary to Śāstric injunctions, practising penances and that this violation of Dharma was bringing ruin on some righteous folk. Rāma hurries to slay the Śūdra and thus maintain Dharma inviolate.²

To the period of Bhavabhūti belongs another famous poet

¹ Bhaṭṭa Nārāyaṇa's *Veṇī Saṁhāra*, ed. J. Grill, Leipzig, 1871.

² *Uttara Rāma Charita* by Bhavabhūti, ed. J. R. Ratnam Aiyar and V. L. Shastri, Bombay, 1906. See Acts I, II and III.

On Bhavabhūti, Keith, *Sanskrit Drama*, pp. 186–204. Macdonell, *Sanskrit Literature*, 362–365. R. G. Bhandarkar's Preface to his edition of the *Mālātī Mādhava*, Bombay Sanskrit Series, No. XV. Also the Introductions by various scholars to the editions and translations of his works, particularly that by S. K. Belvalkar, Harvard Oriental Series, No. 21. Bhavabhūti lived in Vidarbha, Modern Berar.



Mâgha, author of the Śiśupâlabadha,¹ one of the five Mahâkâvyas. A well-known Sanskrit adage has it that Mâgha combined in himself the strong points of Kâlidâsa, Bhâravi and Daṇḍin, but to the modern reader he is frightfully artificial and imitative. The plot of the Śiśupâlabadha turns on Kṛṣṇa's killing of his perverse foolhardy relative and makes room for plenty of political maxims. But they turn out to be an echo of Bhâravi on whose Kirâta the whole work is modelled. Mâgha frankly does not care for principles in politics. The government should be popular but, above all, it should be efficient, firm and relentless. In dealing with enemies, self-interest has to be adroitly and unflinchingly pursued. Whatever has to be done must be done with rapidity and decision. Counsels cannot afford to wait too long. Glorifying ambition, Mâgha remarks that he who has the will to conquer shines like the sun amidst the "maṇḍala of twelve kings."²

To the eighth or ninth century belongs a famous princely author, Viśâkhaḍatta, who wrote a political drama, Mudrârâkṣas.³ A series of adroit manoeuvres culminates in the replacement of the Nanda by the Mauryan dynasty on the throne of the Pâtaliputra. M u d r â -
r â k ṣ a s . Kautalya plays a leading part. The plot, however, turns more on secret intrigue and espionage than on statecraft. Here the sovereign position is a source of great uneasiness to the monarch. It is difficult

¹ Ed. with the Sarvaṅkaṣa Commentary of Mallinâtha by Durgâ Prasad and Śivadatta, Bombay, 1905.

² Mâgha, Canto II, particularly śloka 29, 30, 26, 65, 81.

³ Mudrârâkṣas, by Viśâkhaḍatta, edited by M. R. Kale with an English translation, Bombay, Śaka era 1821. Carpentier places Viśâkhaḍatta in the age of Kâlidâsa, but Jacobi, on astronomical evidence, brings him down to the latter half of the ninth century.



for him to attend to his own interests as well as to those of others. The king chafes under the control of his minister Châṇakya. When both the king and the minister are very powerful, says the dramatist, the goddess of royalty deserts one of them. Sovereignty, so to say, is indivisible. A king who entrusts everything to his minister will be like a babe when separated from him.¹

In the vast range of Sanskrit literature, historical compositions, though not altogether absent as was supposed for long, are rather few in number.

Historical Com-positions. They throw a good deal of light on the working of institutions. But for political theory they are disappointing. Again they are, with the exception of Bâṇa's *Harṣacharita*, rather late and belong to the very close of the Ancient Age.

In the latter half of the eleventh century Vidyâpati Bilhaṇa, of Kashmir author of the play *Karṇasundarī*, wrote

his *Vikramâṅkadevacharita*² in honour of Vidyâpati Bilhaṇa. his patron in which love, politics and warfare march side by side. The ideal of conquest and universal dominion is here reiterated. The monarch must, above all, possess vigour and energy. King Anantadeva of Kashmir is painted as a model of virtue, generosity, veracity and heroism. His arms stretch far beyond Kashmir.³ His brother Kṣitipati was not only a scholar himself but a patron of learning and withal a warrior.⁴ At the end of the work, Bilhaṇa winds up the story of his own life

¹ Ibid., Act III, pp. 39, 47, 63.

² The *Vikramâṅkadevacharita* has been published in the Bombay Sanskrit Series, No. 14. Another edition is that by Georg Bühn. Bombay, 1875. Bilhaṇa's patron was King Vikramâditya Tribhuvana-malla of Kalyâṇa.

³ *Vikramâṅkadevacharita*, XVIII, 33—39.

⁴ Ibid., XVIII, 47—50.



by a solemn exhortation to princes, in view of the fleeting nature of all prosperity, to worship those true poets "who work the salvation of your bodies of glory through the nectar of their verse, and renouncing pride make them your spiritual guides."¹ Padmagupta's Navasâhasânka-charita² is another work, written about the eleventh century, which celebrates the glories of Sindhurâja in the usual manner.

Kalhana's Râjataranginî, or chronicles of the kings (of Kashmir), is the most valuable of the few Sanskrit historical works though here and there

Kalhana. it indulges in myths. The writer flourished in the twelfth century. His narration of events is interspersed with maxims on government. The desecration of holy shrines provokes divine vengeance. Oppression and avarice lead to the destruction of king. Wealth, acquired through oppression, will be destroyed by fire or fall into the hands of rivals and enemies. Kalhana pauses to applaud the building of temples, the excavation of canals, relief of famines and similar beneficent projects. But in one passage we are told that ill-gotten wealth is purified if it is spent on pious objects such as gifts to Brâhmanas. Liberality and kind speech bring everything under the power of the king. Kings who revel in evil find their life, household and glory, aye, their very name, destroyed in a moment. Illicit love leads to numerous tragedies in royal dynasties. Among the maxims which Lalitâditya enunciates, there are a few which disregard the principles of justice and are meant to apply to the peculiar exigencies of Kashmir. It would be difficult to control the tribes in the mountain fastnesses if they accumulated wealth. They should be "punished," even

¹ Ibid., XVIII, 106; also 107.

² Ed. Bombay Sanskrit Series, No. 53.



if they had committed no offence. Villages should not be left more than the food supply necessary for the year. If they had wealth they would disobey the government. Nor should villagers be allowed to live in an urban style. Troops should not be raised from a single district. Officers should not be allowed to contract marriage alliances. Here is a philosophy of reason of state overriding all other considerations. It is interesting to observe that at first the Kashmir kings had seven principal officers—the judge, the revenue superintendent, the treasurer, the commander-in-chief, the envoy, the priest and the astrologer. But king Śachinava raised the number to eighteen.¹

Much later than Kalhaṇa came the Jaina writer Merutuṅgachârya who brought out his Prabandha Chintâmaṇi or Wishing-stone of Narratives in the fourteenth century.² He writes legends when treating of Vikramâditya and though gains in sobriety as his narrative proceeds, he retains his passion for tales which rebound to the glory of Jainism. Shortly after his account of Vikramâditya he records old stories of fabulous rewards to poets from princes.³ In "The History of Siddharâja" he obviously approves of the king's action in granting exemption from taxes to some people who had been oppressed by royal officers.⁴ Later in the same story we find the minister

¹ Kalhaṇa, *Rājataranginī*, IV, 342, 345—8, 352, 344, 701; V, 186—191, 212, 183 *et. seq.*, 210 *et. seq.*; VIII, 195, 1—61, 993; I, 118—120.

There is an excellent English translation of Kalhaṇa's work, with an Introduction, Commentary and Appendices by A. Stein. Westminster, MDCCCC.

² Translated from Sanskrit Mss. C. H. Tawney, Calcutta. On the reliability of his dates, R. Sewell, J.R.A.S., 1920, pp. 331—341.

³ *Ibid.*, 75—77.

⁴ *Ibid.*, 77-78.

Munājāla dissuading his master from a foolish promise. The minister recites a couplet:—

“Even if kings do not understand peace, and do not
 comprehend war,
 Yet, if they attend to what is told them, by that alone
 they are wise.”

The minister goes on to instruct the king from a treatise on policy.¹

In Sanskrit and Pāli literatures the didactic fable occupies a high place as an instrument of ethical and political instruction. Charming fables occur

The Fable.

in such early compositions as the Upaniṣads and the Mahābhārata. But it was the glory of Buddhist literary craftsmanship to have developed this branch of literature to its full extent. The Avadānas and the Jātakas rank among the glories of Indian lore. Jains and Brāhmaṇas felt the impulse and from the fourth century A.D., if not earlier, commences a long line of story books which have never altogether ceased. Owing to the Hindu conception of the unity of life, animals play as large a part as human beings in the tales. There can be no doubt that these works were originally composed in the language in which they are preserved. The theory that the stories and even the epics had first been composed in some Prākṛit and were then turned into Sanskrit has now been shown to be wholly untenable. The Tantrākhyāyika, preserved in Kashmir and perhaps composed there, is in any case earlier than the 6th century and may go back to the 4th century A.D.² Its avowed purpose is Niti instruction. It refers to Kauṭalya and shows traces of Arthaśāstra influence.³

¹ Ibid., 88.

² The Tantrākhyāyika was edited by Hertel in 1910 and translated in 1909. The work has come down to us in different versions but they are substantially in agreement.

³ Keith, J.R.A.S., 1915, pp. 130—137.



The Tantrākhyāyika seems to have been put very early into yet more popular versions. The Pañchatantra by Viṣṇuśarma has been the best known and the most influential of them all, but it was an earlier version of it which was translated into Pahlavi about the middle of the 6th century A.D. and thence into Old Syriac in 570 and into Arabic about 750, the last rendering, in its turn, being translated into Old Spanish in 1251 which, lastly, was the source of Latin and modern European versions. In India itself the Pañchatantra has influenced subsequent didactic literature in Sanskrit and has been translated into most of the Indian vernaculars.

The prologue of the Pañchatantra indicates its motive. A king Amritaśakti of Mahilāropya sets his three sons to school. But the princes display an incurable aversion to all study. The monarch is in despair. The paṇḍitas whom he consults only tell him that at least twelve further years are required for grammar which must precede all other studies. Then Viṣṇuśarma steps in and offers to show an easy way of acquiring the accomplishments essential for princes. The Pañchatantra¹ incorporates the traditional political maxims and puts them into the mouth of birds and animals. In the course of one anecdote we are told that the prosperity of kings is bound up with that of subjects. If the latter decline, the former are ruined. Every king should nurse his kingdom and should not be too exacting in his demands. A little later we are informed that a fort is more useful than a thousand elephants and a hundred thousand horses.²

¹ Pañchatantra, edited by Dr. J. Hertel in the Harvard Oriental Series, Vol. II.

Benfrey's work on Pañchatantra inaugurated what may be called the scene of folk-lore, its motifs and migrations. See also Max Müller's Essay on the Migration of Fables.

² See Book I, Tale VII. The Lion and the Hare, pp. 41, 43.



An easy and condensed though slightly modified version of the Pañchatantra is Nārāyaṇa's Hitopadeśa,¹ the most popular of Sanskrit school books, which, as the author says, was written to instruct princes, and which faithfully reproduces the Niti precepts of the original.

The Hitopadeśa.

Distinct in style from the Pañchatantra type of fable is the literary tale. The object of both, however, is the same. From the testimony of Bāṇa, Daṇḍin and, above all, Somadeva and Kṣemendra, it appears that about the fifth century A.D.

The Literary Tale.

or earlier, a great creative writer, Guṇādhya, composed the Bṛihat Kathā in the Paisācī dialect. It was on its basis that Somadeva, in the latter half of the eleventh century, wrote his Kathāsaritsāgara, the Ocean of the Rivers of Stories, which shows distinct traces of Buddhist influence and refers to Jātaka tales. At the very start a Brāhmaṇa offender is unceremoniously sentenced to death by a king. But, on the whole, its tone and spirit are Brahmanic. The Kathāsaritsāgara paints the rule of the Mlechchhas as one of persecution of Brāhmaṇas, interruption of sacrifices and abduction of the hermit's daughters. The gods are frightened. Śiva comes to the rescue and commissions his son to assume the form of a man and slay the Mlechchhas.²

¹ Ed. Peterson, Bombay, 1887. In the prologue to the Hitopadeśa Viṣṇuśarma undertakes to make the three uneducated princes masters of the science of 'conduct' in six months. Prastāvanā, pp. 2—5. The last two sections are devoted to peace and war between the Geese and Peacocks but the precepts are intended for wider application. An edition of the Hitopadeśa was published by Colebrooke at Calcutta as early as 1804.

² Kathāsaritsāgara, Vol. II, Book XVIII, Canto CXX. The Kathāsaritsāgara was composed between 1063—66 A.D. and 1081—88.



Another work of a similar character, though of inferior merit, is the *Puruṣaparikṣa* by Vidyâpati Thakur, a *protege* of Śwasimhadēva, composed in the 14th or 15th century but belonging to the old tradition.¹ Now and then it touches political subjects. Here it has no originality of its own but it weaves the time-honoured precepts wonderfully well into its narration. Thus, one should decide alone on a course of policy. There is too great a risk of mistaking the right for the wrong and *vice versa*. Consultation is essential for all success. Now and then, however, we catch glimpses of arbitrary despotism. For instance, King Nanda of Kusumpur deprives his minister, Śakatâra, of all his property, and throws him into prison. The minister himself belonged to the Kayastha caste. Rules of caste were often disregarded in the choice of ministers, and Brâhmanas were often passed over in favour of the more capable members of the lower castes.

Numerous sayings are spread all over the work here and there. For example, the army is the strength of kings, as recourse to evil is the fashion of the wicked; meanness is the mainstay of the poor, while truth is the forte of the good. (XII, Tale of a base informer.) We are told of ministers, who drew the mind of the king away from duty and themselves usurped the practical authority. Indeed, once we are told that ministers are naturally of crooked minds. (XIII, Tale of a base informer.) Blessed is the king who has an assembly full of efficient men (XVII, Tale of a man learned in the Śâstras.) "Ignorance of kings comes to light in this world when they patronize fools as is also the case when they do not favour the really merited." (Tale of a man knowing the art of singing, XXII.) "A king

¹ *Puruṣaparikṣa* (The story of one well-versed in wordly wisdom) by Vidyâpati Thakur, translated by V. R. Nerukar, Bombay, 1914.



transgressing proper limits of decorum and moral rectitude through pride, like an elephant mad with intoxication, and erring from the duties of a king, is none but a demon." Yet "if we plot against him for these offences of his, we incur the sin of treason against the king: if we put up with his mischief, destruction awaits us. So he ought to be taught religion through sages." When the sages failed the king was expelled. (Tale of a repentant sinner.)

There exist numerous other story-books in Sanskrit. The dates of the Śukasaptati, and the Jaina and Brahmanical versions of the Vetālapañcaviṃśatikā and Siṃhāsanadvātrīṃśikā are uncertain but they fall in with the tradition.

The eleventh century saw another story-book of considerable literary merit, the Dharmaparikṣa by the Jaina writer Amitagatisūri, author of Amitagatisūri. Subhāṣitaratnasandoha, Pañchasaṃgraha, Śrāvakācāra and other works.¹ He writes in an easy clear style but in a narrow sectarian tone. The Dharmaparikṣa (scrutiny of religions) ridicules Buddhist and Brahmanic schools but in its stories it cheerfully incorporates the received political views.

A Jaina treasury of stories, the Kathākoṣa,² gives many tales of princes and princesses. *Inter alia*, it repeats the old conversation between Indra in disguise and King Nami. Its avowed purpose is to glorify spirituality, renunciation and asceticism but it also gives the usual rules of statecraft.

¹ Amitagatisūri belonged to the Māthura Saṃgha, a branch of the Kāṣṭha Saṃgha. The Dharmaparikṣa has been published at Bombay.

Ms. copies of it, as of so many other Jaina works, exist in Jaina temple libraries. There are several vernacular commentaries on the Dharmaparikṣa.

² The Kathākoṣa, tr. C. H. Tawney, Oriental Translation Fund, New Series, pp. 26—28.



To the class of story-tellers also belongs Kṣemendra, but he really stands in a class by himself among later classical Sanskrit writers. He lived in Kashmir in the reign of Ananta Deva in the eleventh century and was probably descended from a line of ministers. Earlier than Somadeva, he wrote a *Bṛihat Kathāmañjarī* on the basis of Guṇāḍhya's *Bṛihatkathā*. Here the political instruction corresponds to his age but in his *Bhāratamañjarī* and *Rāmāyaṇamañjarī* he seeks to recapture the atmosphere of the two great epics. In broad outline he follows the order of narration in the epics and, *inter alia*, summarises the didactic chapters, of course, adding touches of his own. Once again we meet with the state of nature or anarchy, with all its horrors, where might is right and people dine on one another. There religion or virtue is impossible; there are no timely rains. How can there be any wealth or wife, how can the body itself subsist, unless there is a king, a protector, an embodiment of all the gods? Well, the people put an end to anarchy by raising Manu to the kingship.¹ In laying down precepts for the guidance of kings, Kṣemendra sums up the injunctions of the *Mahābhārata*, *Arthaśāstras*, *Dharmaśāstras* and *Nitiśāstras*.² He does not omit to add that Brāhmaṇas should be honoured, worshipped and followed by kings but if they fall from the ethical code, they are to be punished like Śūdras. It is to the interest of the king himself that all his subjects should be devoted to religion, virtue and family usage. A Kekaya monarch was once taken hold of by a demon in a forest but the latter released his victim when told of the

¹ *Bhāratamañjarī*, ed. Śivadatta and Kāśīnāth Pāṇḍurang Parab. Bombay, 1898. *Kāvyamālā*, No. 64. *Śāntiparva*, *Rājadharmāḥ*, 298–307. As Bühler declared on a comparison of the Mss. of the *Bhāratamañjarī*, Kṣemendra's text of the *Mahābhārata* was practically the same as we have got at present.

² See the *Śāntiparva* of the *Bhāratamañjarī*.

virtue prevalent in his realm. It follows that none dare molest a ruler who leads his subjects into righteousness. In the same strain follow the precepts on finance and general administration. Spies are there in abundance.¹ In dealing with enemies, internal or external, Kṣemendra faithfully follows the Mahābhārata. In his usual limpid flowing style he paraphrases the Āpaddharma chapters of the Epic and joins to them the substance of Kaṇinka's discourse in the Ādiparva and a few scattered tales. He rehearses the discourse of Viśvāmitra and the Chāṇḍāla on the ethics of abnormal days and goes on to illustrate his theme by additional anecdotes.² In other cantos, too, political reflections are interspersed in the manner of the Mahābhārata though not with the same abundance. The Rāmāyaṇamañjarī³

The Rāmā-
yaṇamañjarī.

which begins and ends like Valmīki echoes the scanty political precepts of the Epic.⁴

The theme changes in another remarkable work of Kṣemendra called Bodhisattvāvadāna Kalpalatā.⁵ Here numerous Buddhist Jātaka and Avadāna tales are epitomized.

Bodhisattvāva-
dāna Kalpalatā.

It is significant of the commingling of Brāhmaṇical and Buddhist streams of culture that the same writer could try his hand on the epics and Buddhist tales with the same amount of success. In the Kalpalatā, political reflections are few and far between and can hardly be distinguished from Brāhmaṇical ideas.

¹ Ibid., Śāntiparva, 320, 328, 330, 331—333.

² Ibid., Śāntiparva. Āpaddharma, pp. 581—596.

³ The Rāmāyaṇamañjarī, ed. Bhavadatta Sastri and Kāśināth Paṇḍurang Parab, Bombay, 1903. Kāvya-mālā, No. 83.

⁴ Along with its Tibetan version, this work, edited by Śaṅton Lo-chāva, Paṇḍita Lakṣmīkara, Sarat Chandra Dās and Paṇḍita Hari Mohan Vidyābhūṣaṇa, has been published in the Bibliotheca Indica, Calcutta. The Sanskrit original is a block-print from Lhasa in Tibetan characters, more than two centuries old. The first forty chapters had been lost in India. (Introduction, p. ix.)



A word may be said on a few late miscellaneous compositions. In the *Nalodaya*, wrongly ascribed to *Kālidāsa*, which draws its plot from the *Mahābhārata*, a kingdom is treated like private property.

Miscellaneous works. *The Nalodaya*. Nala can pawn it and lose it at dice and regain it by the same means.

Nala Champū. The theme recurs in *Trivikramabhaṭṭa*'s. In the latter half of the twelfth century, *Śrī-Harṣa* worked the story of Nala and *Damayanti* into the *Naiṣadhiya*,¹ one of the five *Māhākāvya*s of Sanskrit

literature. Bound by the *Kāvya* canon he introduces politics but is content to re-echo the foregoing masters—*Kālidāsa*, *Bhāravi* and *Māgha*. In artificiality, even the *Naiṣadhiya* is

The *Rāghava Pāṇḍaviya*. surpassed by *Kavirāja*'s *Rāghava Pāṇḍaviya*, composed probably about the close of the twelfth century,² which simultane-

ously relates the tales of the *Rāmāyaṇa* and the *Mahābhārata* and, perforce, brings in the usual political maxims. A work

The *Yogavāsiṣṭha*. of a far different character is the *Yogavāsiṣṭha* traditionally ascribed to *Vālmiki* but really very late. It bears an affinity to

Purāṇas but is more philosophical than any of them. Orthodox in tone, it wants the king to sustain the dharma of *varṇas* and *āśramas* and, in a few passages, reiterates the usual Brahmanical conception of government.³

¹ The *Naiṣadhiya Charita*, with *Nārāyaṇa*'s Commentary, has been edited by *Śivadatta*, Bombay, 1907.

² Ed. with the Commentary of *Śaśadhara* by *Śivadatta* and *Kāśināth Pāṇḍurang Parab*, *Kāvya-mālā* No. 62, Bombay, 1897.

The *Rāghava Pāṇḍaviya* was ascribed to the ninth century, but see *Keith*, *Classical Sanskrit Literature*, 56.

³ The *Yogavāsiṣṭha* (edited by *W. L. S. Pansikar* with the Commentary. *Vāsiṣṭha Mahārāmāyaṇatātparyaprakāśa*, Bombay, 1911), Part II, 123, pp. 1045-46.

Satya Hariśchandra, a popular drama, regards the realm as the private property of a monarch. King Hariśchandra

Satya Hariśchandra Nāṭaka. gives away his whole kingdom to a sage as if it were a piece of furniture.¹

Bhoja Prabandha by Ballālasen belongs to the close of the ancient age and reproduces the old political ideas. The

Bhoja Prabandha. king is the guide, teacher and exemplar of his subjects. If he is sinful, his subjects will be sinful. If he is virtuous, the

subjects will follow suit. The monarch should be a real king. The people do not like one whose favour and indignation alike are worthless.²

Vāsudeva's Yudhiśthiravijaya and Kavirāja's Rāghava Pāṇḍaviya repeat the traditional political wisdom.³

When the Hindus lost their political independence after the eleventh century, they concerned themselves less and less with theories of government.

The Adhyātma Rāmāyaṇa. They continued the ancient spiritual and literary tradition but in their new works

politics occupied an insignificant place. For instance, the Adhyātma Rāmāyaṇa, which, though inserted into the Brahmāṇḍa Purāṇa, is a book by itself composed about the 14th century, devotes itself primarily to the propagation of the Vaiṣṇava faith. It borrows its plot from Vālmiki but its tone and spirit are entirely different. It strikes a note of pessimism at the very outset and laments the

¹ Satya Hariśchandra Nāṭaka, edited by B. R. Apte and S. V. Puranik, third edition, Bombay, 1923.

² Bhoja Prabandha by Ballāla, edited by Vāsudeva Sharma, Bombay, 1921. See pp. 8, 10.

³ Yudhiśthiravijaya by Vāsudeva, edited by MM. Pandit Śivadattā and Kāśīnāth Pāṇḍurang Parab. Kāvya-mālā (Series), 60, Bombay, 1897. Rāghava Pāṇḍaviya by Kavirāja is published in the same series as No. 62.



rottenness of the *Kali* age when Kṣatriyas and Vaiśyas have left off their duties and Śūdras have taken to Brāhmaṇa functions.¹ Political matters are discussed more like family than like state matters.²

It will be observed that the stream of Sanskrit literature continued to flow long after the Hindus had lost their political independence in the North. In

Medieval
Sanskrit Literature.

fact the practice of writing in Sanskrit has never disappeared in India. But from the thirteenth century onwards in the North, Sanskrit writers display little interest in politics. The utter decadence of the *Kali* age is now an axiom with them. Their pessimistic fatalism now surpasses all precedent. They leave government pretty much to take care of itself. The same characteristic is shared by the Sanskrit commentaries on literary works which arose in abundance during the middle ages. Malli Nātha (14th century), the prince of Sanskrit literary commentators, comments on political passages in an entirely literary fashion. He often quotes Kāmandaka and sometimes refers to other writers but there is nothing refreshing in his remarks. Dinakara Miśra, who lived in the same century, is no better. Nor, if we can judge missing works by quotations in others, do their predecessors Dakṣiṇāvarta and Nātha who lived about the 13th century seem to have been more enlightening.

Like classical literature, Dharma Sūtras, Dharma Śāstras and other branches of Sanskrit literature, the epics were also extensively commented on during the medieval period. Sarvajña Nārāyaṇa probably in the fourteenth century, Arjuna Miśra probably in the fifteenth and Nilakaṇṭha in the sixteenth, commented on the Mahābhārata, but to political thought they have little to add. There are

¹ The Adhyātma Rāmāyaṇa, Bāla Kāṇḍa, Ch. I, 12–14.

² For instance, Ibid., Ayodhyā Kāṇḍa, Chs. II–IV.

numerous other literary commentators who just touch political theory but it is needless to mention names.

From the fifteenth century onwards the vernacular literatures arise and partly displace Sanskrit literary activity. But in the north the vernacular writers yield little to the student of political theory. Everywhere there are translations or abridgments of the epics and Purāṇas, but it is significant that some noted medieval poets who told the story of Rāma modelled themselves on the Adhyātma Rāmāyaṇa rather than on Vālmiki. They neglect the political side even of the traditional wisdom almost completely. It is remarkable that some of the greatest figures in Hindi literature, Sūradāsa and Tulsidāsa, for instance, though they lived close to Agra, the capital of the Muslim Empires, in the sixteenth and the first half of the seventeenth centuries, do not make the slightest allusion to contemporary political institutions, events or ideas. With the exception of those who were patronised by Muslim sovereigns or nobles, the vernacular writers, as a class, in Muslim India, almost studiously ignore politics.¹ In Rājputānā and Central India where Hindus retained their partial independence, literature concerns itself a little with politics. There are heroic lays

¹ See Beni Prasad, Education and Literature under the Great Mughals, Proceedings of the Indian Historical Records Commission, Calcutta, Vol. V, pp. 44-56. Also Introduction to Saṁkṣipta Sūtra Sāgar, Allahabad. For instances of very faint reflections of Nīti and Dharma Śāstras in Sūradāsa, X, 160, 221, 1008, 2377, 2503, 2505, 2507, 2569; IX, 170. For the same, Tulsi Dāsa, Rāma Charita Mānasa (Indian Press Edition), pp. 233, 270-271, 338, 373, 392, 399. It is said that the reigning sovereign may nominate any of his sons to the throne, p. 272. In the fourteenth century, Krittivāsa in Bengal translated the Rāmāyaṇa into Bengali but in his original writings there is nothing political.



embedded in the epic. Prithvirâjarâso which, though ascribed to Chandabardâi and partly to Râjpûtânâ and Central India. his son Jalhana of the twelfth century, was really composed by many hands from the thirteenth to the seventeenth century. It repeats the traditional political ideas, glorifies martial prowess, state independence and feudal loyalty.¹ Other Râjpût compositions, many of which are preserved in Mss. in the palace libraries and private collections in Râjpût states, particularly in Jaipur, Jodhpur, Udaipur, and Bundi, closely resemble the Râso. Other poems reflect the ideas of the bards. The same remark applies to the Central Indian composition of which an excellent Ms. collection exists in the palace library of Chhatarpur.

In the Konkan, the long strip of land between the Western Ghats and the sea, the Marâthâs remained practically independent and in the seventeenth century put forth a mighty effort to repel the advancing Mughal arms. The Marâthâ renaissance which had been in progress during the previous two centuries, now reached its climax. One of the most remarkable literary figures was Râmadâsa, the preceptor of the Marâthâ leader Śivâji.²

Râmadâsa reinterprets Brahmanic theology, metaphysics as well as social and political theory in terms of the intellectual temper of Mahârâṣṭra in the seventeenth century. Here Politics forms part of the general scheme of life and thought.

A Marâthî
treatise.

¹ The Prithvirâjarâso has been edited and published by the Kâśī Nâgarī Prachârīnī Sabhâ, Benares. See also Mîra brothers, Mîrabandhu Vinoda, I, pp. 227—236. Hindī Navaratna, Ch. I. Kavirâja Shyamala Das, J. A. S. B., 1886, Pt. I, 5—65. In reply to it, Mohan Lal Vishnu Lal Pandya, A Defence of Prithvī Râja Râso, Benares, 1887.

² Râmadâsa lived from 1608 to 1682 A. D. His *magnum opus* the Dasabodha is divided into twenty Daśakas or decades, each consisting of ten chapters. It has passed through many Marâthâ editions and has lately been translated into many other Indian languages.

The purpose of society is the perfection of human life leading to salvation. To attain this end it is essential to institute (1) an ethical code, (2) the true religion, and (3) a government. A code of righteous conduct serves to inculcate kindness to all, generosity, peace and quiet and also self-knowledge—which is the real knowledge. It corrects the propensities to jealousy, hatred, vilification and unsocial conduct in general. Religion consists, according to Rāmadāsa's philosophy, primarily in Bhakti or devotion to god to the comparative neglect of ritual. But to secure freedom for devotion and practice of righteousness, to repress those who would obstruct the wholesome way of life and who would indulge in unsocial, unrighteous, ungodly conduct, in a word, to protect Dharma and destroy its opposite, it is necessary to have a government. A true government has to enforce justice, fairness and all the rules of the social order. Here the Dāsabodha gives a philosophy of government in very clear terms.¹ But later when he proceeds to lay down political precepts, he is content with the vaguest generalities. One should win over as many people as possible and maintain one's presence of mind in the face of entanglements. One should plan a good deal of political strategy but keep it strictly secret. One should not, however, aim at injuring others. Judgment is essential. One should break down the pride of others by measures of policy or win them over. One should console the timorous and challenge the audacious, and so on.² To Sambhāji, the successor of Śivāji, Rāmadāsa imparted two injunctions—unite the Marāthās and propagate the Dharma of Mahāraṣṭra.

South of Kriṣṇa river, conditions were more favourable for political thought. There, in spite of brilliant Khilji

¹ Dāsabodha, Daśaka XV, Samāsa 3; XII, 10; XIV, 6; XIX, 6; XVI, 10.

² Dāsabodha, Daśaka X, Samāsa, VI, 7-8, 19-22, etc.



and Tughlak raids from the north in the fourteenth century, the ancient age of Indian History comes

In the Vijayanagara Empire. (1336—1565.) to a close only with the battle of Talikota which, in 1565, finally destroyed the Vijayanagara Empire. For more

than two centuries that empire had held its own against the Deccan Muslim powers—Bahmani Kingdom and its offshoots, the Sultanates. Under its aegis the old Hindu life continued in full vigour. Here some of the most remarkable of 'medieval' Hindu philosophic, literary and legal treatises or commentaries were composed. Here some thought was bestowed on government and ancient ideas were re-interpreted and modified in the light of contemporary conditions. The best illustration of the process is furnished by the emperor-poet Kṛṣṇadeva Rāya who was not only a patron of scholars living in his own dominions or attracted by his fame and generosity from distant places like Benares but who was himself a writer of no meanrepute.

The Telugu classic *Āmuktaamālyavada* is attributed to him with ample reason. It furnishes an excellent view of the political theory which was favoured at the southern court in the fifteenth and sixteenth centuries. Eighty verses

Kṛṣṇadeva Rāya. (205—284) in the fourth canto of the work are remarkable for a degree of lucidity, virility and courage which is rarely found in work of this period elsewhere in India. In fidelity to the Hindu tradition, Kṛṣṇadeva Rāya sets out to give only some political maxims but they cover many spheres of administration.¹ A king should first guarantee

¹ Kṛṣṇadeva Rāya's Political Maxims have been translated by A. Rangaswāmī Sarasvatī in the *Journal of Indian History*, January, 1926, pp. 64—77. This translation has been followed in the present notice. It was during the reign of Kṛṣṇadeva Rāya (1509—1530) that the Vijayanagara Empire attained to its greatest extent.



the security of his dominions by adequate naval and military preparations or affected friendships with enemies. It is not wise to press an enemy without giving him an opportunity to come to terms. Secure on the frontiers

External and
Internal Security.

the king should proceed to root out his internal enemies in the manner of a farmer. All the time he should keep a watch over external and internal foes. He should particularly ascertain and repress his opponents in recently conquered territories.¹ Contrary to the general tenor of Hindu thought, Kṛṣṇadeva Rāya would entrust both civil and military offices chiefly to Brāhmaṇas. "Because a

Brāhmaṇa
Officers.

Brahmaṇa would stand to his post even in times of danger and would continue in service though reduced to becoming a subordinate to a Kṣatriya or a Śūdra, it is always advisable for a king to make Brāhmaṇas as his officers." Fortresses should be commanded by Brāhmaṇa generals who combine knowledge and heroism with virtue. An ideal civil minister is a Brāhmaṇa scholar, healthy in body, between fifty and seventy years of age, descended from a family of hereditary royal servants, versed in politics, afraid of sin, careful in business. A Brāhmaṇa who comes of a mean family or is devoid of learning or character, is never to be appointed minister. So, according to Kṛṣṇadeva Rāya, birth, learning, character and executive capacity are the qualifications for the principal office. For this, as for all other chief Posts, too, veracity, "absence of greed" and "absence of cruelty" are indispensable and requisite.²

Probably from his own experience of men and affairs, Kṛṣṇadeva always keeps an eye on human weaknesses. A

¹ Ānukramāyāda, Canto IV, Verses 219, 241, 250, 252.

² Ibid., Vv. 207, 209, 210, 211, 213, 217, 261, 227, 229, 234, 260, 269, 208, 214, 233, 254.



king must guard constantly against selfish flatterers.

Human Weak-
nesses.

Nor should he confide completely in any-one. Nobles and warriors have to be controlled anyhow. A king should foment their mutual jealousies so that all their actions, good or bad, might come to his knowledge. "In trying to get over each other and become famous they will not entertain any idea of treachery to the sovereign." In a council an officer is only too likely to oppose a colleague's proposal through mere spite. The king must discover individual motives. Bad ministers only too often manage affairs so as to make themselves indispensable and thrust their own favourites into offices. From a single instance the king should judge of the character of unscrupulous persons and guard against them. An officer who has only recently been raised to the order of *Doras* (a sort of peerage) should not be admitted to counsels, lest his head should be turned and he should betray the counsels to his friends. If a councillor is suspected, he should be watched through spies. Officials should be promoted step by step and degradations should be avoided. In one passage *Kṛṣṇadeva* seems to favour the practice of putting offices into commission but he may only mean that work should be fairly distributed, and as he goes on to emphasise the staff should not be inadequate.

On finance the royal author did not choose to reveal himself fully. Fares should be moderate. The income should be divided into four parts—one

Income and Expenditure.	to be deposited in the treasury, another to be used for "extensive benefactions" and "enjoyment" and the rest to be devoted to the maintenance of a strong army."
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¹ Military expenditure thus

¹ Ibid., Verses 238, 270.



amounts to one-half of the total income and to double the ordinary expenses.

The "extensive benefactions here seem to include tanks and irrigation canals which, we are told, are essential both to Dharma and Artha." Rewards

State-activities.

should be bestowed on meritorious people but Kṛṣṇadeva lays down an unexpectedly wholesome precept on charity. The king should beware of heaping gifts of money and land on mendicant ascetics.

"They may swerve from their necessary discipline which would increase in the state evils such as famine, disease and infantile mortality.....it is sufficient if the king shows *bhakti* towards them. The only evil that might then result is their suffering, but no sin would accrue to the sovereign. Be assured of this." The administration of temple was another matter with which the state had to concern itself. It should not be entrusted to greedy officers. Harbours of the country should be improved and the importation of horses, elephants, precious gems, sandalwood, pearls, etc., should be encouraged. Ship-wrecked foreign sailors should be carefully looked after. Thanks to military exigencies—Kṛṣṇadeva is extraordinarily solicitous about foreign importers of horses and elephants. Daily royal audience presents, decent profits, excellent accommodation in cities and villages are the means prescribed to win their attachment. Then they will not take horses and elephants to enemy countries.¹

On justice, Kṛṣṇadeva has not much to say. He would ordinarily allow three chances of appeal, perhaps for mercy,

Justice.

to a condemned criminal. "But in the case of those people whose escape might bring on a calamity to yourself immediate execution is advisable."²

¹ Ibid., 236, 242, 245, 258.

² Ibid., Vv. 22, 233, 240, 261, 265, 279.



Espionage plays a notable part in the whole scheme of administration. Ordinarily, a king will not find out the

whole truth about an affair. One-fourth of
Spies.

the truth is likely to be concealed from him and can be ascertained only through favourites and friends.

"Do not spurn away an informer at the very outset, ponder over and over again about what he says. If what he reported proves to be false, then dispense with him, but see that he is in no way disgraced." Not only enemies but one's own ministers and partisans are to be shadowed by spies.¹

To Vijayanagara statesmen wild forest tribes constituted a practical problem and engaged the close attention of

Forest Tribes. Kṛṣṇadeva. They were always refractory.

Kṛṣṇadeva would like their government to be entrusted to "heroes who have fallen from great positions. It would not affect the king much whoever succeeds in the struggle between them." But a real effort should be made to bring them under control. Their fears should be set at rest. Owing to their backwardness, insignificant causes may suffice to turn them into bitter enemies or close friends. Truthfulness can bring them under control. By kind words and charity they may be utilised in the invasion of foreign territory and plundering of foreign fortresses.² It is useless to mind the little faults of forest chiefs.

On warfare Kṛṣṇadeva has one or two ideas. He emphasises the importance of capturing fortresses. If the

harem of the enemy falls into one's hands,
War.

the women should be treated with perfect courtesy and kindness. Envoys should always be politely dealt with.³

¹ Ibid., V. 243.

² Ibid., Vv. 225, 221, 222, 257.

³ Ibid., V. 267.



CHAPTER XI.

Theory of the Government of Corporations.

The bulk of the political matter which occurs in Hindu literature and inscriptions from the earliest times

to our own days refers to Government, its necessity, its purpose, its machinery and its relation to various classes of the

population. But the Epics, if not the Rigveda, allude to other organisations which served some particular needs of the community and developed a quasi-governmental form. In the Dharma Sûtras, Buddhist and Jaina literatures, Kaṭṭalya's Arthaśâstra, the Smṛtis and Nitiśâstras, corporations occupy a more prominent place and stand in definite relations towards the state. A large number of inscriptions in the north and a yet larger number in the south throw additional light on their constitution and actual working. Recently, the subject has been treated by several scholars,¹ but there is room for a re-statement of their theory.

It is clear that in Hindu social philosophy, government has an importance not merely political in the strict sense of the term but also social and spiritual. All govern-

ment, however, must conform to Law—
The Sphere of Corporations. law of which it is not the maker. Theory insists that it must conform to divine injunctions and, in doubtful cases, make sure of their exact

¹ Fick, *Social Organisation in North-Eastern India in Buddha's time*, tr. Maitra, Chap. X. E. W. Hopkins, *India Old and New* (1901). Chapter on Ancient and Modern Hindu Guilds. R. C. Majumdar, *Corporate Life in Ancient India* (1918, second edition, 1922). R. K. Mookerji, *Local Government in Ancient India* (1919, second edition, 1920). For a criticism of the last two works, F. E. P. in *J. R. A. S.*, 1920, pp. 114—118.



significance with the help of pious scholars. It must, in the second place, respect popular usage except, of course, where it directly contravenes divine commands. There were large spheres of life which divine legislation had left untouched or which it had barely touched. Here the state might issue its decrees usually, of course, in accordance with the prevailing practice, or it might simply undertake the duty of normally enforcing the usage which communities had evolved. The affairs in which people were normally independent of state-control were not only religious but also social and economic. Their regulation was undertaken by corporations, generally spontaneous in origin and differing widely in rigidity of organisation. Or it happened that a corporation claimed to have received its law from the same source as the state itself. The Buddhist Saṅgha for instance, based itself on the solid rock of Buddha's word. In any case, the nature, functions and privileges of these corporations, their internal organisation and procedure and their relations with the government demanded the attention of political and legal writers.

Geldner detected references to guilds in the R̥gveda. His conclusions have been called in question, but, even if

Guilds in
Gautama.

correct, they furnish no indication of any theory of guilds in the period of the R̥gveda. In the Brāhmaṇas and Upaniṣads occur the words Śreṭhin and Gaṇa but they carry us no further in the elucidation of guild theory.¹ Firmer ground is reached with the Dharma Sūtras² which must needs lay down aphorisms on every aspect of social organisation.

¹ For the discussion of the Vedic Evidence on Guilds, see Macdonell and Keith, *Vedic India*, p. 403. Majumdar, *Corporate Life in Ancient India* (second edition), pp. 14—16. Mookerji, *Local Government in Ancient India* (second edition), 42—44.

² For the dates of Dharma Sūtras, ante, Ch. VI.

Gautama, the earliest of them, devotes the eleventh chapter to "the duties of a king" and dealing with royal justice, defines the position of various groups. Justice must be determined in accordance with precepts of the Vedas, Institutes, Aṅgas and the Purāṇa, but the laws of countries, castes and families when not opposed to the sacred records, are also authoritative. "Cultivators, traders, herdsmen, moneylenders and artisans" can lay down rules for their respective classes. So, the king should ascertain the state of affairs from those who have the authority to speak for their groups, and then give his decision.¹

Here is the first clear statement on the position of local and functional groups in the social economy. The supremacy of the sacred law is absolute and unquestioned. Within its four corners all territorial and group usage must be respected. Caste and family usage which crystallizes during ages is valid. When cultivators are endowed with certain legislative powers, it means that village communities enjoyed autonomy within those limits. It will appear that from the legislative point of view the village is looked upon primarily as a functional rather than a territorial division. The followers of some other occupations are mentioned in the same breath. The passage in Gautama may only mean that traders and artisans and others had just evolved some rules for the conduct of their business and their affairs in general. But the existence of guilds being established on independent testimony it may be surmised that whenever these organisations flourished, it fell to them informally to codify the usage and enunciate it on any occasion. But it will appear that the king was to be the judge of the conformity of such bye-laws with the

The State and Corporations.

¹ Gautama, XI, 20--22.



sacred injunctions. Here was a loophole for the exercise of royal authority which might vary in extent according to the personal equation. But theory insists that the king should ascertain the state of affairs from those who know, and give his decision accordingly. Briefly the position may be summed up thus—the corporations laid down the line but whenever it fell to royal courts to apply it, they could declare it invalid on the ground of its inconsistency with the sacred texts. In a sūtra, which follows almost immediately, on the administration of justice in general, Gautama wants the king to ascertain the truth, that is, the true law, from Brāhmaṇas “well-versed in the threefold sacred lore.”¹ It is obvious that the state, acting in accordance with the supreme law, sets the perspective of social and economic organisations. The implied logic of the situation is that whatever remains free of the control of the state remains so by its permission.

Gautama's statement on the corporations has a historic importance, but during the period of Dharma Sūtras guilds

Other Dharma Sūtras do not appear to have occupied a very important position. At any rate, the other Dharma Sūtras have nothing to say of them. Vasiṣṭha is content with the remark that the king paying attention to “all the laws of countries, castes and families” should make the four castes fulfil their particular duties.² Āpastamba does not say even this much when treating of kingly duties, but elsewhere he implies that the laws of countries and families are to be respected when not opposed to Vedas and Smritis.³

¹ Gautama, XI, 25. The Commentator Haradatta (Sacred Books of the East, II, p. 237, note) says this sūtra refers to particular difficult cases.

² Vasiṣṭha, XIX, 7.

³ Āpastamba, II, 6, 15, 1.

The Mahābhārata contains numerous allusions to guilds and makes it clear that their headmen occupied an influential position in the community. The Mahā-

The Epics.

bhārata reckons them among the principal supports of the monarchy. It insists on their internal cohesion. No expiation can remove the sin of forsaking one's duty towards one's guild. Guilds of warriors appear to have been very important in the heroic age. A king is enjoined to avail himself of Śrenivāla which is described as equal to that of hired soldiers. The Rāmāyaṇa also refers to Sayodhaśrenis. A passage in the Śāntiparva discusses the conditions which gaṇas must fulfil in order to prosper. But the word gaṇa here refers to political groups, oligarchic republics, which flourished for a while in the north. To the theory of guilds proper, the Mahābhārata and the Rāmāyaṇa make little contribution.

The Buddhist records are slightly better. The Vinaya Piṭaka shows that the functions of guilds had transcended the economic sphere. A guild could, on

Buddhist records.

certain occasions at least, arbitrate between a member and his wife. Again, its sanction was necessary for the ordination of the wife of any of its members.¹ A woman thief was not to be ordained without the permission of the king and the guilds. The guild thus tends to become a social corporation. The Jātakas throw some light on guilds. As Fick observes, they reveal clear difference between the organizations of merchants and those of artisans. From the heredity of occupations, the localisation of the different branches of industry and the institutions of jeṭṭhakas or aldermen, Fick infers the presence of an administrative organisation. From the very nature of their callings, a group of artisans permanently settled in a definite area were

¹ Vinaya Piṭaka, J.R.A.S., 1901, p. 865.



far better organised than a group of wandering merchants. In the Jātakas there are whole villages of artisans, for instance, a village comprising 1,000 families of dealers in wood. That the office of aldermen carried some authority is clear; that it was sometimes hereditary is apparent, but the Jātakas do not enable us to determine the exact amount of control which the aldermen exercised in practice or which was allowed to them in theory. Nor again is it possible to ascertain to whom they were responsible. A Jātaka, indeed, brings before us a state officer, Bhāṇḍāgarika, Treasurer or Superintendent of Stores, who also acted as judge for members of merchant guilds.¹ It is thus clear that the guilds were not perfectly autonomous, that the state was entitled to some sort of supervision over them and that in particular it undertook to award justice, at any rate in the more important cases. The Mūgapakkha Jātaka speaks of 18 guilds, eighteen being a mysterious number in India. But since most of the occupations organised themselves, the actual number of guilds far exceeded that figure. From literary and epigraphic sources, Majumdar has made a list of 27 guilds.²

¹ Fick, *op. cit.*, Ch. X.

² Majumdar, *Corporate Life in Ancient India*, 18-19. The following is the list of guilds:—

1. Workers in wood (Carpenters, including cabinet-makers, wheelwrights, builders of houses, builders of ships and builders of vehicles of all sorts).

2. Workers in metal, including gold and silver.

3. Workers in stone.

4. Leather-workers.

5. Ivory-workers.

6. Workers fabricating hydraulic engines (Odayamtrika).

7. Bamboo-workers (Wasakara).

8. Braziers (Kasakara).

9. Jewellers.

10. Weavers.

After the Jātakas, the Arthaśāstra of Kauṭalya is the most important source of information on the position of guilds. He stands for a strong energetic state government and is not disposed very favourably towards organisations which divide the allegiance of subjects. He is willing to grant them privileges and concessions. He would reserve accommodation for them in his plan of a city. He would protect local guilds from outside competition. To members of artisan guilds he would grant seven days' grace in fulfilling engagements. He would give them special privileges in the adjudication of law suits. But he wants the state to keep a tight hand on all corporations. The Superintendent of Accounts should keep regular registers for noting the professions, customs and transactions of various guilds. Three ministers or commissioners, enjoying the confidence of guilds, should be appointed to receive their deposits which, he grants,

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11. Potters.
 12. Oilmillers (Tilapishka).
 13. Rush-workers and basket-makers.
 14. Dyers.
 15. Painters.
 16. Corn-dealers (Dhamñika).
 17. Cultivators.
 18. Fisher folk.
 19. Butchers.
 20. Barbers and shampooers.
 21. Garland-makers and flower-sellers.
 22. Mariners.
 23. Herdsmen.
 24. Traders, including caravan traders.
 25. Robbers and freebooters.
 26. Forest police who guarded the caravans.
 27. Money-lenders.

The above list is compiled from the Gautama, the Jātaka and the Nāsik Inscriptions.



should be returned in times of distress. On the other hand, when the state is in trouble, it may, according to Kauṭalya, surreptitiously depute its secret agents to borrow money from guilds and then have them robbed of the loan by other agents. In another passage, Kauṭalya seriously discusses whether the troubles caused by a guild or its leaders are greater. He concludes that the latter are the more dangerous, because, when backed by popular support they may injure the life and property of others. On the other hand, Kauṭalya wants the state to get some useful service out of guilds. They can be engaged in the colonisation of waste lands. Guilds of warriors can be enlisted in the king's service.¹

Kauṭalya gives some idea of the relation of guilds to the state. It is, on the whole, one of subordination of the former to the imperative demands of the latter. It is, however, not from Kauṭalya but from the Dharma Śāstras that we can extract the theory of the constitution and inner working of guilds. Brihaspati observes that the purpose of guilds is to ward off dangers. He counsels written agreements and practical texts of the honesty of members to inspire confidence. During this period the guilds also served as banks, as a number of inscriptions, for instance, the Nāsik Inscription of 120 A.D. and another of the following century prove. The rate of interest, by the way, ranges from 9 to 12 p.c. They receive bequests and undertake to carry out the instructions of the donors. Here is a piece of striking testimony to the stability, efficiency and honesty of these corporations.² According to Brihaspati, whose

¹ The Arthasāstra, tr. Shamasastri, pp. 69, 253, 190, 228, 61, 66, 234, 305, 403, 363, 341, 376, ante, Ch. IV.

² Epigraphia Indica, Vol. VIII, 82-86.

Ludwig, No. 1133; Manu, VIII, 41, 46 : XIX, 7.

Majumdar, *op. cit.*, 34-36.

Brihaspati, XVII, 11-12; I, 28, 30.



testimony is borne out by the Junnar Inscription, the activities of guilds and village communities extend also to the construction of assembly halls, temples, gardens, sheds for water, tanks, and paths, to relief of distress and performance of sacrifices. They acted as subordinate courts of justice in ordinary cases. Brihaspati lays down that "relations, guilds, assemblies of cohabitants and other persons duly authorised by the king, should decide law-suits among men, excepting violent crimes." From each of these an appeal lies to the one above. Inscriptions and seals recently discovered prove that corporations realised their personality. They certainly held a good deal of property in common. Manu, Nārada, Yājñavalkya, Brihaspati and others repeat Gautama's injunctions that the laws of local and functional groups must be respected by the state. Nārada would like their rules of attendance also to be sanctioned by the king. If a person steals the property of a corporation or wantonly breaks an agreement concluded with it, he should, according to Yājñavalkya, not only be banished by the king but his property should also be confiscated. Those who sow dissensions among members of a corporation should be punished with special severity by the king. Such mischief-makers "would prove extremely dangerous, like an (epidemic), if they were allowed to go free." On the other hand, if a member of a corporation is led by avarice to break a sworn agreement, he should, according to Manu, be exiled. Guilds are not to misuse their power to violate the peace of the country. Resort to arms on their part, says Nārada, is never to be tolerated by the king. If members of corporations combine to defraud the state of its dues, they should, according to Brihaspati, be compelled to pay eight times as much and, if they take to flight, they should be punished. A commentary on Nārada emphasises that seditious, immoral or absurd



regulations of a guild are not to be recognised by the King. Yājñavalkya is perfectly clear on the point. All groups which have strayed from their own laws, whether they be families, castes, guilds, associations or groups in districts, must be disciplined and established again on the path of duty. It thus falls to the state to keep the guilds within bounds and to ensure fair dealing between them and the community. But according to the Dharma Śāstras it should go further and see that the affairs of guilds are managed properly. Yājñavalkya accords a high position to guild representatives at the royal court but he wants all leaders or executive officers of guilds to conform to guild rules and usages. If they don't, the king should step in and rectify matters. If dissensions arise between leaders and members of guilds, it is, according to Brihaspati, for the state to arbitrate and bring every one back to his duty. If the heads of corporations, actuated by hatred, injure the interests of any of their members, they should be restrained by the king. If they do not mend their ways, they should be punished.¹

Turning to the internal organisation of guilds, we gather from Nārada and Brihaspati that guilds had a general assembly which met from time to time to transact business. But it is the executive officers of guilds or village communities that the Dharma Śāstras chiefly devote their attention. Brihaspati prescribes high qualifications for them. They must belong to noble families, must be self-controlled, able and honest, acquainted with the Vedas and their duty and skilled in business. Their number is fixed

¹ Yājñavalkya Samhitā, II, 186—192, 15; I, 361.

Manu, VIII, 218, 219, 220, 5.

Nārada, X, 2-3, 5-6.

Brihaspati, XVII, 5—7, 19—21.

at two, three or five. According to Kātyāyana the assembly has the right to punish the officers, but the latter seem generally, or at any rate in important disputes, to have been dealt with by the king. If they acted according to the law, all their dealings, harsh or kind, towards their own people should be approved by the king. But if they were swayed by malice, or if they were guilty of misappropriation of money, they fell into the clutches of the king. For members in general Brihaspati prescribes a rigid discipline to be enforced by various penalties. All must abide by the terms of agreement of the corporation and fulfil their share of undertakings. He who wilfully refuses to adhere to the agreement "shall be punished by confiscation of his entire property and banishment from the town." For wrangling with fellow-members and neglect of work, one is to be heavily fined. For breaking a mutual agreement, injuring the common stock, as for insulting a Brāhmaṇa acquainted with the three Vedas, one is to be banished from the town.¹

From the context in which these passages occur, it is apparent that these serious punishments are to be enforced by the king. In theory, then, the state is closely associated with corporations, guiding them, protecting them, restraining them. In practice, the amount of state control must have varied with distance from state or provincial capitals, the strength of the central government, the prestige of guilds and the character of their work. Unfortunately, the inscriptions which furnish copious descriptions of the activities of guilds throw little light on their administrative practice. But, in theory at any rate, the guilds are not so autonomous as one or two modern writers incline to think.

¹ Nārada, X, 3.

Brihaspati, XVII, 11—19.



Perhaps the greatest amount of self-government was enjoyed by guilds on the technical side of their affairs.

Rules of Apprenticeship in Craft-guilds.

Nârada and Yājñavalkya laid down some interesting rules of apprenticeship and work. Nârada treats them as part of the law on Breach of Contract of service and thus seeks to invest them with legal force. An apprentice shares the condition of dependence with students, hired servants and officials—all alike being looked upon as labourers. A young man who, with the consent of his relations wanted initiation into the art of his craft, should go to live with a master for a fixed term. The master should treat him like a son, feed him and teach him at his own house and refrain from employing him in any other work. An apprentice, who forsakes a master of unexceptionable character, may be compelled by force to return, and may be corporally punished and confined. He must remain with his master until the expiry of his term, even if he completes his course of instruction beforehand.

The master is remunerated for his labours in two ways. The profits from the apprentice's work belong to him. On the completion of the term, the apprentice "shall reward his master as plentifully as he can," or pay him a stipulated fee. Yājñavalkya endorses these rules but condones an apprentice's desertion of his master if it is a protest against a mortal sin or heavy crime on the part of the latter.¹

It is remarkable that guilds occupy a much larger space in the early than in the late Dharma Śāstras. Hopkins remarks that guild life is a characteristic of Buddhist and Jaina environment.² Another reason may be the comparative

Guilds in later times.

¹ Nârada, V, 16—21, Yājñavalkya Sāmhita, II, 187.

² Hopkins, India, Old and New, p. 171.

decline of industry and commerce in the last centuries of the ancient age. But guilds have never altogether vanished from India. Śukraniti emphasises the principle of trial with the help of one's peers. Foresters are to be tried with the help of foresters, merchants by the help of merchants and so on.¹ Guilds have survived in some parts of the country up to the present day. They or rather their headmen still claim to be courts of justice. They still have their rules of apprenticeship, membership, business and expenditure. They still seek to guide the life of their members.²

Craft-guilds and merchant-guilds have been the most enduring of all corporations in the country. But Buddhist

The Buddhist
 Saṃgha.

India witnessed the formation of a remarkable order of monks and nuns with definite, minute rules to meet every possible contingency. Renunciation was nothing new to the country in the days of Buddha. After the zest of life which is redolent in the R̥gveda had given way to meditation, Brāhmanas expatiated on the nothingness of this world, the incalculable importance of the life after death, the necessity of release from bondage and, as a result, the desirability of renunciation and asceticism. The Upaniṣads reveal numbers of devout men who had retired into the forest to contemplate the divinity or practise austerities. The Buddha himself had forsaken home and hearth one solemn night and betaken himself to severities, which almost wore out his health, and to contemplation which at last brought the flash of the Truth. He forbade excesses of asceticism but founded an order of recluses for men as well as for women. The new element which he introduced was that of organisation. Brahmanism has always fought

¹ Śukraniti, IV, 5, 24, cf. Bṛhaspati, I, 25—27.

² Ibid., 176.



shy of organisation. It is, on its spiritual side, too individualistic for corporate life. The Buddha on the other hand, partly perhaps because he had to establish a new church on secure foundations, organised his monks and nuns into fraternities and told them how to manage their affairs. How far he borrowed his rules from any existing economic or social corporations or political assemblies is difficult to determine. But it is remarkable that in the Chullavagga and the Mahāvagga, he is represented as announcing his regulations to meet

The Constitu- the exigencies of practical life as they
tion of the Sam- arose. Whatever his debt to others, he
gha. or his successors must be credited with a

good deal of originality. From the point of view of political theory, the most striking feature of the Buddhist monastic code is that it practically ignores the state and touches it at very few points. In the third century B.C., Aśoka appears from his own edicts and the general testimony of Buddhist literature, to have actually assumed something like the headship of the Buddhist Church. But his ascendancy was due to the personal factor and did not imply any theoretical recognition of the state as ecclesiastical sovereign. The Saṃgha has its own rules of membership, of administration and of life in general. It derived its constitution from the Buddha alone and recognised him alone as its lawgiver. The great teacher himself had not been anxious to fetter the discretion of his followers completely. "When I am gone, Ānanda," he said to his chief disciple, "let the saṃgha, if it should wish, revoke all the lesser and minor precepts." But when the regulations came up for discussion at a council, the brethren could not come to any decision on proposed alterations and innovations. The differences became so acute that the council resolved, as the only way out of the difficulty, that they should adhere to all the precepts laid down by the Buddha, "not ordaining what has not been ordained



and not revoking what has been ordained.”¹ So, in theory, at any rate, the Buddha remained the sole lawgiver. In the domain of practical administration, the general assembly of monks was the sovereign. But it must act in conformity with the procedure laid down by the Buddha. Nor was it empowered to alter the law of the Buddha. The Chullavagga definitely lays down that the vote of the majority was invalid, if it conflicted with the law. The tenth chapter of the fourth Khandhaka of the Chullavagga enumerates ten cases in which the taking of votes is invalid, *inter alia*, “when the taker of votes knows that those whose opinions are not in accordance with the law will be in the majority, or probably may be in the majority.” The fourteenth chapter of the same section, when describing the secret method of taking votes, lays down that if the taker of votes ‘ascertains that those whose opinion is against the Dhamma are in the majority, he is to reject the vote as wrongly taken. If he ascertains that those whose opinion is in accordance with the Dhamma are in the majority, he is to report the vote as well taken.’² The fiction of the right or wrong taking of votes is transparent. It is the supremacy of the Dhamma which is to be assured somehow. But we are not told who was to decide on the conformity of an opinion to the law. The taker of votes though, as we learn from another passage, was to be a very responsible and reliable person, could hardly take that role entirely on himself. Difficulties must have arisen in practice but the theory is perfectly clear that not even the Assembly could override or alter the law.

Nowhere in this account is the state called in. In the rest of the rules, too, it appears extremely rarely. The

¹ Chullavagga, XI, 1, 9.

² Chullavagga, IV, 10, 1, 14, 26, translated by Rhys Davids and Oldenberg in Vinaya Texts, Part III, pp. 26-27, 56.



references to it are of a trivial nature. For instance, the Pātimokkha, describing various offences to be confessed by Bhikkhus in the assembly, could be recited only by a learned brother and only in a full assembly. If a Bhikkhu had been seized by the king, robbers or relations, a request should be made for his temporary release or for bringing him outside the boundary so that the congregation might be complete.¹ Otherwise the monastic rules hardly refer to the state. Buddhist theory, as worked out elsewhere, expects the state to protect the monks from all molestation, to afford them all facilities, and to endow their institutions with lavish generosity but it does not contemplate any interference in their internal affairs. Even Brahmanic political theory respects the autonomy of heretical associations. Yājñavalkya only wants the king to see that they continue to manage their affairs according to their own rules and traditions.² Nārada wants the king to maintain the usages settled among heretics as among others.³ This is one of the most remarkable points of difference between the theory of economic organisations and that of religious association. The former were interwoven with the communal economic life with which the state was intimately concerned at every point. They constituted a plentiful source of revenue. They handled vast sums which might be turned to the service of the state in emergencies. Religious corporations, on the other hand, had only to be encouraged and patronised.

Left pretty much to itself, the Buddhist Saṃgha tried some experiments in administration which are unique in

¹ Mahāvagga, II.

² Yājñavalkya Samhitā, II, 192.

³ Nārada, X, 2, 3.



Indian history. In the first place, all its rules are practically common to monks and nuns.

Communism
in the Buddhist
Saṃgha.

The Buddhist texts are at pains to repeat them for both. In the second place, the order believed in the communism of property for itself. All the property of the Saṃgha was open to the use of all brethren from wheresoever they might come.

In the third place, the order, spread out in communities big or small, over the whole country and had no central government. In organisation it had left

Localism.

the Brahmanical Hindus far behind, but it never approached the Roman Catholic Church or even the Franciscan and Dominic orders. It never had a real head, there was no hierarchy connecting the various communities together. The Buddha and his word were the only universally acknowledged guides throughout the centuries. An intense spirit of localism therefore pervaded the order. Here lay its strength and its weakness.

Within each community, there was naturally a distinction between novices and full-fledged monks or nuns. The latter controlled and supervised the former. Otherwise the form of government was eminently democratic. There developed a regular parliamentary procedure and jargon

Democracy in
the Saṃgha.

which, at several points, are startling in their coincidence with modern practice. It lies beyond the scope of this work to trace the practical working of these institutions but their theory may be briefly recapitulated from Buddhist records. Fortunately, the material in the Mahāvagga and the Chullavagga is abundant.¹

¹ This evidence has been worked at from the point of view of political assemblies by K. P. Jayaswal in "The Introduction to Hindu Polity," *Modern Review*, Calcutta, 1913, and in his recent work "Hindu



It was the duty of the Gaṇapûraka or the whip to see that the necessary quorum was forthcoming.¹ As the members entered the Hall, they were to be directed to their seats, allotted in the order of seniority by the Āsanapañṇāpaka or the Regulator of Seats.² If a number of members proceeded to business in anticipation of a quorum, an act of indemnity had to be passed subsequently. But high authority questioned the legality of such indemnity altogether, and pronounced the rule of quorum essential and inviolable.³ Every motion must pass two or four readings. Jñapti, as the first reading was called, announced the proposal and briefly explained the reasons thereof, that is, furnished, a sort of preamble. The Pra-tijñā or the second reading took the form of a definite

Polity.” He starts with the assumption that the monastic procedure was borrowed from political assemblies, but sufficient evidence is not forthcoming to connect the two.

¹ Mahāvagga, III, 6, 6, 26; IX, 3, 2. Sacred Books of the East, XIII, 307. Gaṇapûraka literally means ‘the securer of the number.’ Thus गणपूरको वा सविष्यामीति ‘or I will be the securer of the number.’

² Rhys Davids’ Dialogues of the Buddha, I, 113. “Now at that time a Bhikkhu named Ajita, of ten years’ standing, was the reciter of the Pātimokkha to the Saṅgha. Him did the Saṅgha appoint as seat-regulator (Āsanapañṇāpaka) to the Thera Bhikkhus. Chullavagga, XII, 2, 7. Sacred Books of the East, XX, 408. Jayaswal, Modern Review, 1913, June, p. 664.

³ “Is the indemnity-licence, Lord, allowable?”

“What, Sir, is this indemnity-licence?”

“Is it allowable, Lord, for a Saṅgha which is not legally constituted, to perform an official act, on the ground that they will afterwards obtain the sanction of such Bhikkhus who may subsequently arrive?”

“No, Sir, it is not allowable.” Chullavagga, XII, 1, 10.



resolution and put the straight question whether the

Second,

motion was approved. In the more important cases, the query should be repeated thrice. Silence implied consent.

Third and
Fourth Read-
ings.

But it was the right of every member to discuss and freely criticise a proposal.

Acute differences of opinion often manifested themselves.

Free discus-
sion.

A way of amicable settlement was discovered in a system of committees—a system that, in ancient as in

modern times, has formed a necessary concomitant of every

Committees.

living assembly. When irrelevant and pointless speeches were made, the matter

should be referred to a committee. The proposal for a

The Teller.

committee thus partly answers to the closure. But if the committee failed to

arrive at a compromise, the matter returned to the full assembly. Here, if the quest for unanimity failed once more, the motion was finally put to the vote. A teller, fearless, impartial, and clever should be appointed by the Assembly

Voting wood-
en-pins.

itself. He should distribute Śalākās or wooden-pins to the members, and explain

the significance of their various colours. Three methods of voting were known—the secret, the whispering, and the

The secret,
whispering, and
open methods of
voting.

open. According to the first, the choice of a pin by a member was not disclosed to any one else. Provision was made for recording the votes of absent members.

The votes collected and counted, the voice of the majority should ordinarily prevail. Yebhuyyasi-

The votes of
absent members
recorded.

kassa was the high-sounding name for the rule of majority, one of the master inventions of the political art. It was familiar



to all. Any infringement of the rules of procedure invalidated the proceedings. According to the Chullavagga, the voting was invalid in ten cases: When the matter in dispute is trivial—when the case has not run its course—when regarding the matter in dispute the Bhikkhus have not formally remembered, or been formally called upon to remember the offence, when the opinion of the majority is likely to be an infringement of the law—when the voting may result in a schism of the Saṅgha—when the votes are irregularly given—when all do not vote equally—and when they do not vote in accordance with the view which they really hold.”¹ When duly passed by a majority, the resolution became a Kamma which, literally translated, means an Act, an astounding coincidence with modern parliamentary jargon. A question that had once been decided could not be reopened, but the sovereign assembly, a law unto itself, sometimes disregarded the salutary rule.²

¹ Chullavagga, IV, 10, 1, tr. pp. 26-27.

² A few of the passages, from which the rules of procedure have been gathered, may be cited here.

Moving the Jñapti once and the Pratijñā once, was called Nattidutiya—the two-Natti procedure. When the Pratijñā was moved thrice, it was called Natti-chatuttha, or the four-Natti procedure. Putting the resolution or Pratijñā to the Assembly was called Kam-mavāchā.

“If one performs, O Bhikkhus, a Nattidutiya act with one Natti, and does not proclaim a Kam-mavāchā, such an act is unlawful. If one performs, O Bhikkhus, a Nattidutiya act with two Nattis and does not proclaim a Kam-mavāchā.....with one Kam-mavāchā, and does not proclaim a Kam-mavāchā, such an act is unlawful. If one performs, O Bhikkhus, a Nattichatuttha act with two, etc.....” Mahāvagga, tr. Rhys Davids and Oldenberg, IX, (3), 2, 3, 4, 7, 8.

The Teller's qualifications:—

“A Bhikkhu, who shall be possessed of five qualifications, shall be appointed as taker of the voting tickets—one who does not walk in partiality, one who does not walk in malice, one who does not walk

Of the Buddhist theory of monastic government it is possible to obtain a full and, on the whole, clear idea.

The materials for its Jaina counterpart are not equally copious. In spite of metaphysical differences, Jainism and Buddhism developed side by side on parallel lines. Like

in folly, one who does not walk in fear, one who knows what votes have been taken and what have not been taken.

"And thus shall he be appointed..."

The Bhikkhu's consent was obtained, and then some able and discreet member proposed:—

"Let the venerable Saṅgha hear me. If the time seems meet to the Saṅgha, let the Saṅgha appoint a Bhikkhu of such and such a name as the taker of the voting tickets."

Voting—

"By that Bhikkhu, the taker of the voting tickets, are the votes to be collected. And according as the larger number of the Bhikkhus who are guided by the Dhamma shall speak, so shall the case be decided.

"I enjoin upon you, Bhikkhus, three ways of taking votes in order to appease such Bhikkhus—the secret method, the whispering method, and the open method. And how, O Bhikkhus, is the secret method of taking votes? The Bhikkhu who is the teller of the votes is to make the voting tickets of different colours, and as each Bhikkhu comes up to him he is to say to him thus: 'This is the ticket for the man of such an opinion; this is the ticket for the man of such an opinion. Take whichever you like.' When he has chosen (he is to add), 'Do not show it to anybody.'"

Chullavagga, IV, 9, 5; 14, 24; 14, 26, 25.

Sacred Books of the East, XX, pp. 25, 54.

"If, O Bhikkhus, while the case is being enquired into by those Bhikkhus, pointless speeches are brought forth, and the sense of any single utterance is not clear, I enjoin upon you, O Bhikkhus, to settle the case by referring it (to a jury or commission).

"And thus, O Bhikkhus, is he to be appointed. First, the Bhikkhu asked (whether he be willing to undertake the office). Then some discreet and able Bhikkhu should address the Saṅgha thus:

"May the venerable Saṅgha hear me. Whilst this case was being enquired into, pointless speeches were brought forth amongst us, and



Buddhism, Jainism branched off into several sects a few centuries after the nirvâṇa of its founder. Towards the close of the first century A.D., the Jainas were divided into Digāmbaras and Śvetāmbaras. Before two centuries had elapsed the former split into Nandisaṃgha, Devasaṃgha,

the sense of no single utterance was clear. If the time seems meet to the venerable Saṃgha, let it appoint Bhikkhus of such and such a name on a Committee. This is the motion * *

"If those Bhikkhus, O Bhikkhus, are not able by the Committee to settle that case, those Bhikkhus ought to hand over the case to the Saṃgha, saying, 'We, sirs, are not able, by a committee, to settle this case; let the Saṃgha settle it.'

"I enjoin upon you, O Bhikkhus, to settle such a case by the vote of the majority.

* * * *

"But if you, Sirs, should not be able to do so, then will we ourselves retain the custody of the case."

Again: Then the Saṃgha met together with the intention of enquiring into this legal question. But while they were enquiring into it, both were such pointless speaking brought forth and also the sense in no single speech was clear. Then the venerable Revata laid a resolution before the Saṃgha:

"* * * If it seems meet to the Saṃgha, let the Saṃgha settle this question by referring it (to a jury)."

And he chose four Bhikkhus of the East, and four Bhikkhus of the West. "Let the venerable Saṃgha hear me. During the enquiry into this matter there has been much pointless talk among us. If it seems meet to the Saṃgha, let the Saṃgha delegate four Bhikkhus of the East and four Bhikkhus of the West to settle this question by reference. Whosoever of the venerable ones approves thereof, let him keep silence. Whosoever approves not thereof, let him speak. The delegation is made accordingly. The Saṃgha approves thereof. Therefore is it silent. Thus do I understand."

Chullavagga, V, 14, 24; IV, 14, 18; XII, 2, 7-8.

Jayaswal, Modern Review, June, 1913, p. 666.

An example of a motion:—

"Let the venerable Saṃgha hear me. This Bhikkhu Uvâla, being examined in the midst of the Saṃgha with an offence, when he has

Senasaṃgha and Sīmaṃgha, among whom the differences turn on trivial points.¹ Later came a totally different sect, that of the Sthānakavāsins or Dhuṇḍhiyās, altogether more rational than the others and sternly opposed to idol worship. In their contempt of the petty splendours of this world and in their emphasis on the sovereign importance of release from Karma, the Jainas surpass the Brāhmaṇas and Buddhists. The number of monks and ascetics in their ranks has always been large. But Jainism is, on

denied it, then confesses it; when he has confessed it, then denies it, makes countercharges and speaks lies which he knows to be such. If the time seems meet to the Saṃgha, let the Saṃgha carry out the Tassapāpiyyasikā-kamma against the Bhikkhu Uvāla. This is the motion:

* "Let the venerable Saṃgha hear me. This Bhikkhu Uvāla, etc. * The Saṃgha carries out the Tassapāpiyyasikā-kamma against Uvāla the Bhikkhu. Whosoever of the venerable ones approves thereof, let him keep silence. Whosoever approves not thereof, let him speak. A second time I say the same thing. The Bhikkhu Uvāla * let him speak.

"The Tassapāpiyyasikā-kamma has been carried out by the Saṃgha against Uvāla the Bhikkhu. Therefore it is silent. Thus do understand."

Chullavagga, IV, 11, 12, tr. Rhys Davids and Oldenberg, pp. 27—31.

Another instance:—

"Then the venerable Mahākassapa laid the resolution before the Saṃgha: 'Let the venerable Saṃgha hear me. If the time seems meet to the Saṃgha, let the Saṃgha appoint that these five hundred Bhikkhus take up their residence during the rainy season at Rājagaha to chant over together the Dhamma and the Vinaya, and that no other Bhikkhus go up to Rājagaha for the rainy season. This is the resolution. Let the venerable Saṃgha hear. The Saṃgha appoints accordingly. Whosoever of the venerable ones approves thereof, let him keep silence. Whosoever approves not thereof, let him speak. The Saṃgha has appointed accordingly. Therefore it is silent. Thus do I understand.

"And the venerable Mahākassapa laid the resolution before the Saṃgha: 'If the time seems meet to the Saṃgha, I will question Upāli concerning the Vinaya.' And the venerable Upāli laid a resolution before the Saṃgha: 'Let the venerable Saṃgha hear me. If the time seems meet to the Saṃgha, I, when questioned by the venerable Mahākassapa, will give reply.'"

Chullavagga, 11, 1, 4; 1, 7.

On other aspects of procedure, see also Mahāvagga, IX, 3, 5—6 Sacred Books of the East, XVII, 266. Chullavagga, V, XII, 1, 10.

¹ Indranandisūri, Samayabhūṣaṇa, 6—8.



its spiritual side, rigidly individualistic and counsels solitude. It holds that even good action has a tendency to bind the soul to matter. The less of it, the better. As a result, the corporate side of its monasticism did not receive the same development as in Buddhism. The orders which arose followed the lines of the numerous sects. They resembled the Buddhist Samgha in independence of state, in absence of central government, or a graded hierarchy. The supremacy of the Jaina Dharma is, of course, unquestioned and whatever is resolved or done by any individual or group must conform to it. Within the four corners of the sacred injunctions, the monks are to manage their affairs on democratic principles.

The Brāhmanic Hindus left their religious life unorganised. On the social side they display some corporate activity. It was in those days physically impossible for any of the four castes, spread all over the country, to set up a central organisation. But the local sections and subsections of the sub-castes into which Hindu society had split up offered scope for organisation. In Brāhmanical theory, the state is constantly urged to keep all castes to their duties. But it is also enjoined to respect the laws and usages of families and castes, as of village communities and corporations. The province of caste usage includes marriage, commensality, rites and ceremonies and often ordinary morality. A breach of the rules may be visited by censure, imposition of penances and, lastly, excommunication. To be an outcast is a dreadful calamity which sends a shudder of horror through a whole family and the entire circle of friends. In most cases, however, provision is made for re-admission into the community. These rules of caste governance which are still in operation go back to great

Social Organisations.

antiquity. Three or four hundred years before the Christian era, Gautama, the earliest of the Dharma Sūtra writers, relies partly on penances and excommunication for deadly sins as well as for what appear trivial offences or no offences at all to modern minds. He counsels a son,—apparently a Brāhmaṇa young man—to cast off a father who may have murdered a king or a Brāhmaṇa scholar, who may have sacrificed for a Śūdra from monetary motives, who may have divulged the Veda to the unauthorised, or who

Excommuni-
cation.

may have dwelt with men of the lowest castes. In another general list of offences in the following chapter, atheism is reckoned among the sins to be punished with excommunication. The excommunication should be performed to the accompaniment of certain solemn rites. Spiritual teachers and kinsmen shall assemble and perform the sinner's funeral rites beginning with the libation of water.

"3. And (afterwards) they shall overturn his water-vessel (in the following manner):

"4. A slave or a hired servant shall fetch an impure vessel from a dust heap, fill it (with water taken) from the pot of a female slave and, his face turned towards the south, upset it with his foot, pronouncing the (sinner's) name and saying: I deprive N. N. of water?

"5. All (the kinsmen) shall touch him (the slave) passing their sacrificial cords over the right shoulder and under the left arm, and untying the locks on their heads.

"6. The spiritual Gurus and the relatives by marriage shall look on.

"7. Having bathed, they (all) shall enter the village.

"8. He who afterwards unintentionally speaks to the (outcast sinner) shall stand, during one night, reciting the Savitri.



"9. If he intentionally (converses with the outcast, he must perform the same penance) for three nights.¹

It will be observed that to associate with an excommunicated person was to invite excommunication on one's head. In the next chapter, Gautama is at pains to add that a year's company of outcasts or instigating others to acts causing loss of caste led to excommunication. The consequences of excommunication were not merely moral but also material and spiritual. An outcast was deprived, after death, of the rewards of his meritorious deeds. He lost the right to follow the lawful occupations of the twice-born—a penalty which could be enforced only by public opinion or government.² No wonder there were those who described this condition as hell.

Not less significant is the ceremony of re-admission or purification by penances. One kinsman shall fill a golden vessel with water from a very holy lake
Re-admission. ver, and make the penitent bathe
in it.

"11. Then they shall give him that vessel and he, after taking it, shall mutter (the following Mantras): 'cleansed is the sky, cleansed is the earth, cleansed and auspicious is the middle sphere, I here take that which is brilliant.'

"12. Let him offer clarified butter, (reciting) these Yajus formulas, the Pâvamânis, the Taratsamandis and the Kâsmâṇḍas.

"13. Let him present gold or cow to a Brâhmaṇa.

"14. And to his teacher."³

¹ Gautama, XX, 2-9; XXI, 1. Sacred Books of the East, Vol. II, pp. 278-9.

² Ibid., XXI, 2-6.

³ Gautama, XX, 2-9; XXI, 1. Sacred Books of the East, Vol. II, p. 279.



There were, however, some offences for which a life-long penance was necessary and from which one could be purified only after death.¹

Gautama and the other lawgivers are full of similar descriptions of offences and expiations but
Caste Usage. each small subsection of a sub-caste tended to develop a usage of its own. It was to be enforced by the public opinion of the group, generally expressed at a meeting for the purpose. In the towns and villages of India one may still see these assemblies at work. They have no permanent organisation, no regular chairman or secretaries, no written rules of procedure within the group, so to say there is a latent force which springs into action to meet a contingency. It works informally but expeditiously.

Besides religious, economic and social organisations, there were academic and philanthropic institutions in ancient India. Their working can be studied in foreign
Other Organisations. travellers, inscriptions and incidental notices in literature but there was no special theory of their administration.

¹ Ibid., XX, 16—18.



CHAPTER XII.

The Basic Principles of the Hindu Theory of Government.

From a survey of the political ideas in the vast range of Hindu literature it is clear that political theory in ancient India was essentially a theory of the governmental act. As a whole, it is a theory of the art of government. It touches but incidentally on the deeper problems of political obligation, foundations of the state, or the rights of man. It seeks, above all, to guide the practical course of administration.¹ In the natural order of things it should be studied at every step in the light of the actual working of institutions; its sources should be traced in practice; its conformity to contemporary usage examined and its real influence on events estimated. But this method of treatment is not open to the student. He can rarely dogmatise on the dates of the theoreticians, which, only too often, range over centuries. In the second place, all the literary, epigraphic and numismatic evidence on Ancient Indian History does not suffice to give an idea of the details of Hindu administration at a given epoch. Only such general features are clear as the predominance of the monarchy; occasional disputes about the succession; a number of ministers; a powerful commander-in-chief; several grades of local administration; swarms of spies; royal courts of justice with assessors and ordeals; numerous items of taxation varying from place to place, and time to time; guilds discharging many functions in the north and south alike; incessant diplomatic negotiations

¹ Ante, Ch., I, pp. 4, 5.



and frequent wars between neighbouring states. It is only broad facts of this nature which can be consistently kept in view in the study of governmental theory. But whenever it is possible to check theory by indubitable historical details, such, for instance, as are furnished by Yuan Chwang in the seventh and Alberûnî in the eleventh century, it appears that while the writers faithfully reflect the salient features of administration, they freely improve upon the details, and of course, the ideals are their own. It is rather strange that the wife attempts which have been recently made to reconstruct the history of administration in ancient India are based largely on just a few theoretical works and thus end in placing the cart before the horse.

There is nothing surprising in the fact that a good deal of Hindu¹ political thought is imbedded in religious compositions. Writing of an important epoch in European history, Figgis remarks that 'of political principles whether they be those of order or of freedom, we must seek in religious and quasi-theological writings for the highest and most notable expressions.'² In spite of differences in the context and method of speculation, the same tendency operated yet more strongly in India. Here the whole outlook on life has been deeply tinged by religion; law has always been associated with religion and all literature has been coloured by it. The manner in which governmental ideas are only too often interwoven into the texture of theology is sometimes irritating to the modern inquirer, but it has one indubitable advantage. It presents political thought as part of the current intellectual stock and as related to the whole of life. It is thus possible to detect certain principles which

¹ In the present work, the term Hindu has been used in a generic sense, including not only followers of Brâhmanic sects but also Buddhists and Jains.

² J. N. Figgis, from Gerson to Grotius, p. 6.



lie behind it, which are not clearly stated but which emerge out of the whole set of ideas and their context.

Hindu political thought has a spirit, a *milieu*, an atmosphere of its own as different from their Western

Hindu and
European political
thought.

counterparts as Hindu personality, temperament and outlook are different from what one finds in Western Europe. Hindu thought does not fall under any of the accepted categories of Western speculation. It stands by itself. But inevitably it presents some points of resemblance and contrast with ancient and modern schools of political thought in Europe. In their fundamental assumptions, Hindu writers come somewhat near the idealism which we associate with the Greeks and which found a resurrection in Rousseau to form the basis of idealistic philosophy in Germany and England. Hindu social theory does not take society or the state and the atomic individual respectively. Here is no individuality to be fenced round against the impact of social forces. Society is not a mere conglomeration of men and women. It is a working conception of life. As Plato said of the state, it is a conception which guides every living member in the performance of his functions. Individuality derives its worth and significance from its contribution of service to the universal whole. The individual possesses no independent value, ultimately, no independent life of his own. He is absorbed in society.

Akin to this is another idea common to Plato and Hindu thinkers. They believed that every class in the community has a distinctive type of mind

Division of
labour.

which pre-eminently qualifies its members or their respective functions. In Hindu thought this conception followed from the doctrine of transmigration of soul which allots every living being a



station in life and moulds a person's temperament according to the sum-total of his past deeds. So, the working of these types of mind, in intimate connection with one another, is the essence of the community. "Society, *prima facie*," says Bosanquet, "exists in the correlated dispositions by which a plurality of individual minds meets the need for covering the ground open to human nature, by division of labour in the fullest sense." Hindu theory likewise assumes that the human mind can attain its real and full life—at any rate that part of it which is not to be spent in renunciation—only in a community of minds or rather in a community pervaded by a single mind which expresses itself harmoniously, though differently, in the life and action of all members. It is this intimate connection which secures the subordination of parts to the common good.

It is through the idea of caste that Hindu theory sought to rescue society from the dispersion which private

Caste.

interest constantly occasions. It gave the individual a definite standard of life and of work. Through caste he fell into line with his fellows. Through caste his particular interest became the common one. The theory of caste distributes the power, prestige, privileges and goods of this world according to functions. The idea of duty which lies behind the functional concept implies that the individual does not live for himself. He exists for a greater whole to which his own ambitions must be subordinated. Thus, organised society becomes something more than the individuals who compose it. In Hindu theory, as in modern idealism, "righteousness consists for each man in the fulfilment of his appointed function in the life and action of the community."¹ The Bhagavad Gītā,

¹ Ernest Barker, *Political Thought in England from Spenser to To-day*, p. 24.



which represents the highest level of Hindu thought, lays down that "one's own duty, though defective is better than another's duty well-performed. Death in performing one's own duty is preferable; the performance of the duties of others is dangerous." ¹ The whole discourse of the *Gītā* was uttered by *Kṛiṣṇa* to persuade *Arjuna* to perform a task from which he shrank but to which he must bend himself as a *Kṣatriya*. The *Gītā* gives a message of *Niṣkāma Karma*, desireless action,—action without an eye on consequences to oneself. ² Personality is thus taught to transcend itself by giving its devotion to something beyond itself. Thanks to this philosophy, Hindu theory has no idea of liberty or rights independently of those which arise from the necessity and desirability of performing social functions.

To every one, theory prescribes a way of *Brāhmaṇas*. life which accords best with the duties he has to discharge. It inculcates a life of poverty and austerity to priests, scholars and educationists of whom the *Brāhmaṇic* order was composed or ought to be composed. The *Mahābhārata*, *Manu* and other authorities would like *Brāhmaṇas* to know several ways of livelihood and teach them to those concerned, but for themselves they must spurn all wealth and confine themselves to their special vocations. ³ It seems to have been assumed that colossal fortunes or great material responsibilities would prove too burdensome to them and would fatally interfere with the special calling to which their lives are devoted. They must be free to cultivate the higher interests untrammelled by worldly cares. Their lives must be missionary, not mercenary. The reward for piety and learning is not money but honour on earth and, of course, bliss in

¹ The *Bhagavad Gītā*, Ch. XVIII, III.

² *Ibid.*, Ch. II.

³ *Alor*—with the passages referred to in the foregoing chapters, see *Manu*, I, 93, 98—101; IV, 10—12, 15—17; X, 2.

after-life. Yet while depriving himself voluntarily of much that ordinary mortals prize, the Brāhmaṇa surrounded himself with privileges. After the struggle for supremacy between Brāhmaṇas and Kṣatriyas, which is reflected in the earlier writings, had ended in favour of the latter, the ground was clear for the Brāhmaṇa to entrench himself firmly against all attack. For more than two thousand years he has insisted that he must be honoured and worshipped. For more than a thousand years he claimed exemption from taxes on the ground that his proper contribution to the state was spiritual, and that he had no superfluous worldly goods to offer. Obviously on this last line of argument many writers exempt some other classes of people from taxes. The Brāhmaṇa, however, goes further and claims

an extraordinarily wide benefit of clergy
Caste privilege. which seems to convert his supremacy into a loathsome tyranny. He is painting

himself worse than he was in actual practice. But the fact remains that Hindu social philosophy draws its darkest stain from caste-privilege. The evil did not stop with Brāhmaṇas. The Dharma Sūtras and Dharma Śāstras work out regular systems of punishments based on gradations of caste in which the Śūdra finds himself deprived of elementary justice. A protest, indeed, was raised in antiquity. The Buddhists and Jainas attacked the

Brahmanic supremacy. They could not
Protest. abolish caste. They reconciled themselves to it. Jainism, in particular, adopted the current notions on social organisation, social superiority and etiquette. But neither Buddhists nor Jainas harp constantly like Brāhmaṇas on caste prerogatives. The Buddhists concede a sort of primacy to Kṣatriyas.

All the Jaina Tirthakaras and heroes take birth in Kṣatriya bodies. When Mahāvira, the twenty-fourth and



last of the Tirthakaras was conceived by a Brâhmanî, the king of gods felt bound to remove him miraculously to the womb of a Kṣatriyâni. All are declared equal in respect of the highest things which matter in life. Āsvaghōṣa in his Vajrasūchi declares that all are equal in feelings and interests.¹

The Brâhmaṇas themselves sometimes perceived that the extreme position they had taken up required some modification and some justification. The Mahābhārata which is so strong in its advocacy of Brâhmaṇic supremacy, recognises that in ultimate analysis the whole world is an emanation from Brahman and that distinctions among men are based on character and conduct alone. There was at first no caste. It was only on the unfoldment of various types of mind and capacity that men were divided into classes. Elsewhere it remarks that there was nothing peculiar about caste; that in the beginning all had been created Brâhmaṇas and that on account of their actions alone had people fallen into different castes.² Śukra, though he is a late writer and recognises caste as a matter of course, makes bold to declare in the first chapter of his Niti that birth does not matter and that character and deeds alone are the basis of caste.³ Even Manu whose primacy among lawgivers was recognised by Brihaspati himself, says that the force of *tapas* or penance and austerity can elevate, and sensual indulgence can degrade, a man in the hierarchy of caste. *Tapas* can achieve anything. It is resistless. But it is added that the greatest *tapas* for a Śūdra is the performance of his duty.⁴ None of the lawgivers regards a Śūdra as beyond the pale of society proper. When the Vedic Puruṣasūkta derives all

¹ Ante, Ch. IX.

² The Mahābhārata, Vanaparva, CCXVI, CLXXX.

³ Śukraniti, I, 38—44.

⁴ Manu, IV, 19, 24; IX, 335, XI, 234—236, 238; XII, 104.



castes from the same divine body, it postulates their vital organic unity.

In defence of Śūdra disabilities, some of the Dharma Śāstras and Purāṇas adopted a line which deserves a passing notice. They sometimes speak of Śūdras as "youngest," "latest born" or "littlest brothers." Of course, all of them are "once-born" as distinguished from the "twice-born." They had not reached that stage of spiritual development when they could comprehend esoteric doctrines and when they could perform the higher religious ceremonies. There is a Sanskrit saying that the Veda is afraid of men of little knowledge and apprehends injury from them. Śūdras, therefore, should have nothing to do with the Vedas, not even listen to them. None the less, a Śūdra is capable of a good and virtuous life. Though he cannot be entrusted with the power of mantras, he should be helped in his other studies.¹ Hindu theory believes all men to be capable of virtue, though the form of virtue may be different.

Hindu writers are not content with laying down the broad features of organisation. They must prescribe the minutest details. They would leave nothing to the blind regulation of impulse. They will not leave anybody to rely on his own intelligence. They evince an implicit faith in the necessity of a customary standard by which all should differentiate right from wrong, good from evil. They seem to believe that the acceptance of a common way of action is the condition precedent of corporate life. It is needless to criticise the details of their manuals of conduct, but it may be stated that the fundamentals of their position can be challenged on philosophic ground. It is true that

¹ Manu, IX, 335; X, 42, 127-128.



within the sphere of a caste they allow any of its members to rise to the full stature of his being. It is true again that under extraordinary circumstances they would permit a person to follow the occupations of a lower caste. But, ordinarily, they would hold everybody down to the occupation and way of life pertaining to his caste. Each man had a station allotted to him and must fulfil its duties. But as Prof. Laski remarks in his criticism of Bradley "it is the primary fact in personality as such that it has no allotted station. It wins or ought to win the station in which it may best fulfil itself. It can do so by experiment alone.....Any attempt at the division of society into 'natural classes' with 'natural' functions is bound to break down. We discover what we naturally are in terms only of what we seek to become. And the discovery is intimately our own."¹ Under the Brâhmanic scheme the son of a warrior or a trader had no chance of discovering whether he was fit for a scholastic career. Nor could a priest's children try their hand at crafts for which they might possess a natural talent.

Yet it is the scheme of life, as proposed in the sacred texts, which the Government must recognise and enforce. It is not the state which originates social organisation. It is possible, *mutatis mutandis*, to apply to Hindu theory Bosanquet's statement that "the work of the state is *de facto* for the most part 'endorsement' or 'taking over'—setting its imprimatur, the seal of its force, on what more flexible activities or the mere progress of life have wrought out in long years of adventurous experiment or silent growth."²

¹ Laski, *Grammar of Politics*, p. 95.

² Bosanquet, *Philosophical Theory of the State*, Introduction, p. xxxiii.



In Hindu theory the king is bound to ascertain social law or usage from those who know it, and to enforce it to the best of his capacity. The government thus implies force. Its coercion represents a force opposed to another force, which is antagonistic to the social purpose. Force, indeed, is inherent in the state. Bosanquet's remarks again serve to exemplify the Hindu position. "We make a great mistake in thinking of the force exercised by the state as limited to the restraint of disorderly persons by the police and the punishment of intentional law-breakers. The state is the flywheel of our life. Its system is constantly reminding us of duties from sanitation to the incidents of trusteeship, which we have not the least desire to neglect, but which we are either too ignorant or too indolent to carry out apart from instruction and authoritative suggestion."¹ The drug of violence has to be administered "as a counter-poison to tendencies which would otherwise give no chance to the logical will."² Hindu theory sums up this idea in one word 'protection' which it postulates as the purpose and function, *par excellence*, of government. That is how *danda* or punishment is represented as part of 'protection.' Viewed in this light, punishment is, in its essence, neither retributive, nor deterrent nor reformatory, but a reaction

Force.
of the social order against an unsocial tendency. This is the idea underlying the doctrine of coercion in which the *Mahâbhârata* seems to revel. It gives the name to the science of government in Kaṭṭalya and his successors. This is what they mean when they proclaim that chastisement lies at the root of the social order. It is implied that ultimately the state or government regulates and arbitrates between all claims, guarantees life and security and

¹ Ibid., p. 152.

² Ibid., p. 189.



enables a system to operate in the body-politic. As such it issues commands (without violating the sacred fundamental law) to do or not to do certain acts.' In connection with the whole complex of institutions, Hindu theory views the governmental power as sustaining social life, and giving it security and completeness. So, the king who stands for the government and for the state, is extolled as divine and even more than divine. It is interesting to compare the Hindu idea with one set of medieval, and another set of modern, European conceptions. The Hindu eulogies of the kingship remind one, for instance, of Ambrosiaster who spoke of the ruler as "the Vicar of God," and of St. Optatus of Milevis who, in his treatise on the Donatist Schism in North Africa, explicitly declared that the ruler was the representative of God. The spirit of Hindu political sayings recalls certain passages in Hegel's *Philosophy of History*. "The State," says the German idealist, "is the divine idea as it exists on earth." "The state is the divine will as the present spirit unfolding itself to the actual shape and organisation of a world." "The state is a form of the absolute spirit, which is the essence of all things." "All the worth which the living being possesses—all spiritual reality—he possesses only through the state." The state "is the absolute power on earth." There is one fundamental difference between Hegelianism and Hindu political thought. The latter will not subordinate the fundamental Law to the state or the government. But when after postulating this condition, the Hindus embark on the glorification of the sovereign power, they leave even Hegel far behind. The government claims all loyalty. It is the incarnation of the absolute, a super-personality which absorbs the real, living personality of men and women.

¹ *Mīmāṃsā Sūtra*, I, i, 2.



All this, however, is not, philosophically speaking, inconsistent with another Hindu idea that political power is a trust. Behind the fervent exhortations to loyalty and the principles of taxation lie the dogma that the sovereign must regard himself and behave as the agent of the common good. Śukra is not alone in looking upon a king as the servant of the people and on taxes as his wages. On the eve of a battle, Kautalya wants a king to proclaim to his soldiers that like them he too was a paid servant and that the kingdom was to be enjoyed by him along with them.¹ Numerous writers insist that the king must refrain from oppression and caprices. He has to serve a definite purpose and loses his essential character if he fails therein. The inference was drawn that a ruler who grossly violated his trust was liable to punishment. There were those who, like European medievalists, leave him to the judgment and wrath of the supernatural power. But others declared that he might be forsaken, deposed or even put to death. The Mahābhārata, Manu, Śukra and some Purāṇas are explicit on the point. Daṇḍa or coercion, we are told, is a double-edged weapon capable of striking the king as well as his subjects. If the idea does not occupy a large space in Hindu thought, it is because the writers were chary of furnishing pretexts for disorder.

Theory found a check to misrule not in any constitutional checks but in the inculcation of the idea of Dharma, to which all must conform.² That supreme, all-comprehensive Law represented the Divine will and purpose, the true way of life. The Jaiminiya Sūtras define dharma as something which is

¹ Arthasāstra, 365. tr. 442. Mahābhārata, Śāntiparvan, LXXX, 10. Agni Purāṇa, CCXXIII, 12, 14, 22. Śukranīti, I, 188.

² Ante, Chs. I and II.



commanded.¹ In Nyâya, in Vaiśeṣika, in Jaina metaphysics, as elsewhere, Dharma denotes the property of a thing. There was a harmony, an order, divine and eternal, which pervaded the universal law and every part of it, which naturally covered the world of man and embraced rulers and ruled alike. As in medieval Europe, so in ancient India, theory saw the universe as one articulated whole. The unity of all life in which Jainas and Buddhists believed with other Hindus, strengthened this habit of thought. Not merely in Hindu poetry, but in serious Hindu speculation on moral and religious life, the fortunes of men and gods are linked together so that there almost appears the vision of a common wealth of which human and celestial beings alike are members. To quote a single instance, in the Jaina Harivaṅśa Purāṇa the kings of Videha are gods who have descended to earth on the expiry of their allotted life in heaven. In short, there were principles applicable to all, principles which were of a universal nature. These must be respected by the mightiest of potentates. The supremacy of the law is an axiom in all Hindu political speculation. One is reminded of medieval Europeans, like Celsus and Origen who, though differing in many points, agreed in holding that law is the king of all things. A yet closer analogy is furnished by the saying which Herodotus attributes to Pindar, *viz.*, that "custom is the king of all things." In ancient India Dharma included both law and custom.

It is in consonance with this dictum that the ultimate purpose of government is defined in Hindu theory as part of the general purpose of institutions. It may be summed up as the promotion of the excellence of human souls. The ultimate object of life is salvation. The Brāhmanic conception of

¹ Jaiminiya Sūtras, I, 1, 2.

² (Jaina) Harivaṅśa Purāṇa, II, 3-4.

Mokṣa differs from the Buddhist Nirvāṇa and either is different from the Jaina idea of salvation. But all agree that the soul must free itself from all material contact to realise the full happiness of which it is capable. The doctrine

leads logically to the Nivṛttimārga or the Path of Renunciation, but every one is not ripe for it. One has to live the life of the

The Path of "Pursuit." world until one has reached that stage of spiritual experience and development when worldly relationships and material possessions may be profitably abandoned. It is, indeed, futile to resort to renunciation until one has had sufficient experience of the world. The Viṣṇu Bhāgavata¹ illustrates the point by a significant tale. At the beginning of creation, Brahman ordered his son Dakṣa to go forth and multiply. After practising a good deal of tapas, Dakṣa created successively two bands of 10,000 and 5,000 'sons' called Haryaśvas and Śabalaśvas and sent them to live the life of the world. But the sage Nārada taught 'the way of the spirit' to the two groups in succession. So they were lost to Dakṣa. The latter then explained to Nārada that without experience the soul can never realise the sharpness of the sense objects. Every soul should have the opportunity to find salvation through its own experience. Nārada had done wrong in teaching the path of renunciation to innocent souls. He was condemned to everlasting wanderings while his victims were brought out to assume anthropoid forms. The moral of it all is that the Pravṛtti-mārga or the Way of Pursuit should precede the way of renunciation. That is why in the scheme of life prescribed for the twice-born, household life precedes Vānaprastha and Sanyāsa. Even from the point of view of the last two stages, the household is an imperative necessity. The householder alone can support the

¹ VI, 5, 41.



homeless. There is yet another essential service which he and he alone can render. He offers oblations to departed ancestors. He performs those sacrifices the essence of which sustains the gods in heaven. The household, then, is a thing of the first rate importance. Manu says that men of all stages of life depend on the householder who is the elder of the Brahmachârin, Vânaprastha and Sanyâsin alike.¹

Thus the worldly life has to be cared for if the excellence of souls is to be promoted. In proportion to the importance of worldly life is the importance of government. It is true that in the Brâhmanic, Buddhist and Jain Golden ages when life was ethereal or perfect, government was conspicuous by its absence. But those days were long past; the times had deteriorated; and the conditions were totally different. On all hands government was now admitted to be necessary, essential and indispensable. There was a psychological reason which made government doubly important. The Mahâbhârata, Manu, Kauṭilya and others take a rather low view of human nature, justifying it on the degeneracy of the present Kali Age. There is only too much ignorance to be removed, too much wickedness to be repressed. Government stands forth as the Saviour of Society. The worldly life has a three-fold aim, Dharma, Artha and Kâma,—duty or religion, profit and pleasure. There are those who would restrict it to one or two of these objects, but the general consensus of opinion favoured the comprehensive idea.² Dharma, of course, takes precedence of the other two aims. For as

¹ Manu, III, 76-77; VI, 88--90.

² Manu, II, 224; III, 16; XII, 38, 88--90.

Viṣṇu Bhâgavata, XI, 20, 8.

Yoga Bhaviṣya, I, 2.

the Mahābhārata and Matsya Purāṇa put it, Dharma sustains, ennobles and fulfils the whole life.¹ For one thing, it restrains the selfishness of man and makes good social life possible. Manu expressly interdicts pleasures and profits which are contrary to Dharma.² Government is concerned with all the three aims. As such, it touches human happiness at every point. Real happiness on earth is bound up with that excellence which is summed up in

Dharma. According to the Vaiśeṣika
Sūtras, that which enables us to achieve
happiness here and hereafter is Dharma.

The Mahābhārata has it that the truth, the law, is that which leads to the greatest happiness of creatures.³ It falls to the government to enforce Dharma. It is to promote the true religion, but it is significant that Hindu theory rarely advocates religious persecution. Excepting a few brief interludes, ancient India witnessed a wonderful tolerance of all sects by governments. Aśoka burnt with zeal for Buddhism and utilised all his resources for the propagation of the true faith but he never thought of persecution. Harṣavardhana in the seventh century leaned towards Buddhism but patronised Brāhmaṇas as well. Theory was true to facts and seldom counselled violence towards those who did not profess the faith of the rulers. Religion in the ordinary sense of the term is, however, only one part of Dharma. It has also the sense which Latimer had in mind when he said that "pure religion..... standeth.....in righteousness, justice and well-doing." The state must actively promote and rigidly enforce righteousness and morality. Now true morality pertains

¹ Mahābhārata, Karṇa-parvan, CXIX, 59. Matsya Purāṇa, CXLV, 27; CCXLI, 3, 4.

² Manu, IV, 176.

³ The Mahābhārata, Vana-parvan, Ch. CCXIII.



to the inner life of man and touches the springs of action. No external agency can really enforce it. The thing is a contradiction in terms—a contradiction which Hindu theory in its zeal fails to recognise. But what the state or government can do is to ally itself with the forces of good, to bring about the conditions favourable to morality, and to repress outward immoral conduct. A Hindu government is constantly enjoined to do all it can in these directions. The state thus becomes more than a culture-state, it assumes the position of an all-pervasive moral and spiritual association. Its higher function is ethical. It is to promote the observance of those ethical principles which are supreme, which apply to man in all relations, to life on all sides and which, in a word, are archetectonic. The state itself thus becomes archetectonic. Even writers like Kautalya and Somadeva Sâri who set out with the avowed purpose of composing political treatises, give lengthy disquisitions on ideal law or positive morality. Their precise and elaborate rules remind one of the ecclesiastical writers of Europe in the fourteenth and fifteenth centuries.

The government is more than the wielder of Daṇḍa. It should be the constant teacher and guide of the people.

The Educational State.

In the Mahâbhârata, in the Bhâgavata and elsewhere, King Prithu in the early ages of this planet taught the people how to level the surface of the earth, grow cereals in it, milk cows, and so on. By practical demonstrations he explained the ways of laying out villages and towns; constructing tents and market-places; building houses and cattle-pens, forts and strongholds of various descriptions. He led the way in quarrying stone and working the mines.¹ In the Yogavâsiṣṭha the sage informs Râma that he, Nârada and others, led by Sanatkumâra, as

¹ Viṣṇu Bhâgavata, IV, xvi, 15; V, xviii, 29–32.

directed by Brahman, had instituted kings in various regions to guide the perplexed people. The Jainas work out in full detail the process of the education of man into the ways of 'civilisation' under the guidance of patriarchs. What the chiefs had done in the childhood of the world, their successors were expected to continue in its adolescence. The government must be the leader and teacher of its wards in everything that concerned their welfare.

From this view of the nature and character of Government it follows that it can regulate the whole material

Economic activities.

basis of life. Of *laissez-faire* as a principle, Hindu theory knows nothing. It felt that the public offer of goods in daily use was not a purely private concern. It was essentially a matter of general interest. It was assumed that in the system of private wants there was involved a public interest which demanded constant vigilance. Hence, many writers prohibit profiteering and high rates of usury. Manu declares that while thieves and robbers are hidden cheats, traders are open cheats who must be rigidly controlled by the state. He would bring the followers of many occupations under state control.¹ Kautilya and the Agni Purāṇa, to mention only two authorities, lay down elaborate rules on labour. Public works should constantly engage the attention of the government. The Buddha impressed their importance on King Pasenadi.² There is, in fact, nothing which is excluded from the province of the state. Kautilya who presents the fullest account of the Hindu theory of government brings public houses, entertainment companies and all else under its purview. Economic corporations and village communities enjoyed a good deal of autonomy in practice but theory places them, in the last resort, under

¹ Manu, IX, 256—260.

² Kosala Samyutta, ed. Feer, 3, 4.

state supervision. Social and religious associations were better situated but, in theory at any rate, not even they can trench upon the Law of which the government is the guardian. Everywhere, on all occasions, the Law should be upheld. That is the fundamental distinction between the state and anarchy—unspeakably horrible anarchy—to which pacts or divine interference had put an end.

The Law which binds government and regulates its behaviour is, in ultimate theory, eternal. The Smṛitis claim to be grounded in Śruti. Manu, for instance, declares

The Interpretation of the Law. that whatever he teaches has been declared in the Vedas.¹

But no practical man could deny that the details of the Law and its application as a whole must vary according to time and place. Even Manu varies his scheme of duties according to variations of the Kṛita, Tretâ, Dwâpara and Kali ages. Elsewhere he sets out to recite the scheme of sacrifices to be performed in the region where the black antelope roams naturally.² Śankarâchârya, the leader of orthodox Brahmanism, in his Śâtraka Bhâṣya on Vâdarâyaṇa's Vedântasûtras is even more explicit. He holds that the Dharma of a particular age and region becomes non-Dharma with reference to a different locality and period.³ Nârada remarks that many practices which were allowed anciently had been forbidden in the present fourth yuga.

Parâśara boldly declares that Manu's laws belonged to the Kṛita age, those of Gautama to the Tretâ, those of Śaṅkha and Likkita to the Dwâpara while his own are applicable to the Kali. Changes may take place within the span of the Kali age itself. The Bhâgavad Gitâ opens the door to change when it admits individual conscience,

¹ Manu, II, 7.

² Manu, I, 85; II, 23. Also Yâjñavalkya, I, 2.

³ The Śâtraka Bhâṣya, III, I, 25.



along with the Vedas and Smṛits, among the bases of Dharma. Yājñavalkya enumerates the roots of Dharma as follows :—

“The Śruti, Smṛiti, conduct of good men, what appears pleasant to one's self and the desire which springs from a good resolution.” The commentator Vijñāneśwara reminds us that in case of a conflict among these sources “those stated first are stronger than those which follow.”¹ But long before these writers, Yudhiṣṭhira in the Mahābhārata, bewildered by the conflict of authorities, exclaimed that the true path is that which has been followed by the great. Besides the element of flexibility introduced in this manner, there is a provision for a machinery of interpretation of law on doubtful points. Many writers set up small paṇisads of Śiṣṭas to clarify and enunciate the law as occasion arose. The Matsya Purāṇa, indeed, declares that Śiṣṭas or the residue were some ancient sages who had stayed behind to assist Manu (the first of patriarchs and kings) in preserving the worlds in the present cycle and in preventing the old Dharma from decay and ruin by constantly instructing souls in their duties.² But the received meaning of the term was an exceptionally learned, pious, upright, exemplary Brāhmaṇa. Charged with the duty of interpretation they would necessarily modify the law. Since they owed their appointment to the king they might sometimes have registered the wishes of the government. On the whole, these assemblies served as an instrument of legislation. Their opinions, when accepted, and such decrees as the king might issue independently were the only new laws, as distinct from the bye-laws of corporations, which were known to ancient India.

¹ See also ante, Ch. VI.

² Matsya Purāṇa, CXLV.



The function of legal interpretation which rested with Brâhmana scholars naturally threw some political power into the hands of Brâhmanas. The royal

No Brâhmanic kingship.

priest who figures so conspicuously in all governmental theory constituted another distinctively Brâhmanic influence. The employment of Brâhmanas in high offices of state is the third great factor which deserves notice. The intellectual supremacy of the class and the general reverence it commanded constituted a force by itself. Yet theory insisted in clear and unambiguous terms that the actual political power should be wielded not by Brâhmanas but by Kṣatriyas. Ancient India actually knew Brâhmana and Śâdra kingship but theory, except in the legal commentators, would not recognise them as legitimate. The Brâhmana should guide the king who is, indeed, sometimes depicted as merely the executive arm of the priest, philosopher and lawyer. But the latter should not himself hold the sceptre. The Mahâbhârata will have it that the experiment of Brâhmanic rule had been tried in antiquity and that it had failed egregiously. Political sovereignty had, therefore, been transferred to Kṣatriya hands. The tale is repeated in several Sanskrit works and a version of it was current at least until the eleventh century A.D. To Alberûni, the great Arab Sanskritist, the Hindus related that "originally the affairs of government were in the hands of the Brâhmanas but the country became disorganised, since they ruled according to the philosophic principles of their religious codes, which proved impossible when opposed to the mischievous and perverse elements of the populace. They were even near losing also the administration of their religious affairs. Therefore they humiliated themselves before the lord of their religion. Whereupon Brahman intrusted them exclusively with the functions which they

now have, whilst he intrusted the Kṣatriyas with the duties of ruling and fighting. Ever since the Brāhmaṇas live by asking and begging, and the penal code is exercised under the control of the kings, not under that of scholars."¹ So, Brāhmaṇic secular dominion was out of the question. Some earlier writers had derived the kingly from the priestly power,² but this line of argument was soon given up. The king was extolled independently as a god. He had a rightful place of his own in the social system. Here Hindu theory has not much in common with doctrines like those of St. Augustine in his *Civitate Dei* or Aquinas's *De Regimine Principium*.

Government thus ought to rest with Kṣatriyas. It was all the more necessary that these rulers should be well-versed in the scriptures and other learning.

Learning in
Rulers.

The Muṇḍaka Upaniṣad said long ago that those in ignorance and error, howsoever great in their own imagination, were like the blind leading the blind.³ From the Mahābhārata downwards all Hindu texts insist on knowledge along with character as an essential qualification for rule. They remind one of the dialogues of Socrates and the philosopher-king of Plato. Manu declares that only those who are versed in the Vedas and Śāstras could be kings or suzerains, could command armies or administer justice.⁴ The Jaina Soma-deva Sūri would prefer the horrors of anarchy to un-instructed rule.⁵

Hindu theory has little to say on the forms of government which occupy such a large space in Greek and modern

¹ Alberūnī, *India*, tr. Sachau, Vol. II, pp. 161-162.

² Ante, Ch. I.

³ Muṇḍaka Upaniṣad, I, ii, 8.

⁴ Manu, XII, 100; also VII, 28, 30, 31, 44.

⁵ Ante, Ch. VIII.



European thought. Greek accounts of India disclose a few non-monarchical states in the North-west.

The Form of Government. The dialogues of the Buddha and the

Mahâbhârata speak of gaṇas, or republican oligarchies which flourished for a while in a few districts. But the monarchy was the predominant type of polity and, for long stretches of time, the only form of government prevalent in ancient India. Unlike Greek political philosophy, Hindu theory was not called upon to evaluate the respective merits of democracy, aristocracy and monarchy. Hindu writers perforce revolve round a single type of government. They simply accept the monarchy as the government and glorify it as the sustainer of justice, order, righteousness and life itself. But here and there they indicate a ruling class which surrounded the throne. In Vedic literature the terms Rājanya and Kṣatriya alike are applied to the second caste. The epics, lawyers and Purāṇas speak of the duties of the Kṣatriya when they describe the functions of the king. In general literature, too, the Kṣatriya is declared to be the protector of the people. In Kālidāsa's Raghuvamśa, for instance, Dilipa remarks that it was established throughout the universe that the Kṣatriya protected (the people) from injury.¹ Thus, the Kṣatriyas as a class are expected to share in the function of government. But the whole caste, scattered throughout a realm, could hardly respond to such a call. When several writers express their preference for hereditary royal servants, or prescribe birth as a qualification for high office, they contemplate a sort of ruling class. If it did not develop into a real aristocracy, it was largely because of a peculiarity of Hindu social organisation. Here caste distributed the brain power, the fighting power and the wealth of the community among different sections, and prevented that combination of

¹ Raghuvamśa, II, 53.



intellectual, martial and economic strength which led to aristocratic regime in ancient Greece. Apart from the monarch, a Hindu ruling class could wield influence rather than power. Aristocracy was not the actual form of government and therefore did not engage the attention of theoreticians. Only a body of nobles is reflected in literature.

In practice their influence would vary with the personal equation, but theory demands with striking unanimity that

Personal Government.

the king should not merely reign but rule day by day, year after year, so long as he occupied the throne. A limited monarchy in which the sovereign is only a dignified part of the constitution would have been incomprehensible to Hindu writers. They want the king to run the governmental machine himself, to exercise a personal supervision over all his servants and all his affairs. The Matsya Purâṇa counsels that the king should abandon all sensuality and devote all his energies to administration. The Viṣṇudharmottara echoes the same sentiment. The law-givers are, of course, unanimous on the point. Kauṭilya and Śūkra, among others, frame a detailed time-table for the king.

The monarchy was despotic. Hindu theory knows of no constitutional checks as distinct from the force of custom,

No arbitrariness.

tradition and spiritual sanctions. But it strongly deprecates arbitrariness. It would have been blasphemy for a Hindu king to say, like the Stuarts of England or the Bourbons of France that Rex is lex. In the Mahābhārata, the king swears at the coronation that he would observe Dharma and Niti. Apart from conformity to Dharma, the Mahābhārata wants the rule of law. The Smṛitis follow suit. All administration, central and local, must be conducted according to well-defined principles and regulation. Caprice is the



undoing of monarchs and officers. Next, theory insists on a

**Instruments of
Consultation.**

government by consultation. Instruments of consultation occupy a notable place in Hindu administrative theory. Councils must be held regularly. The final decision and ultimate responsibility rest on the king himself but he must daily consult his ministers on policy and details alike. It was realised that government was a most difficult and complex undertaking which demanded the collaboration of many minds. Times without number ministers are exhorted to offer wholesome counsel. Somadeva Sûri, Śukra and others hold that a minister's test of fitness and capacity is that the king should be afraid of him. Along with the principle of consultation goes the principle of division of work. The busi-

**Division of
Work.**

ness of the government should be divided into departments, each under a minister or superintendent. Kaṭṭyāya draws a masterly picture of the departmental system. Śukra and others, though not equally full, appreciate the value of regular distribution of business. Akin to this was the principle of devolution. From Mahābhārata onwards, the administrative

Devolution.

divisions of ten, twenty, and hundred, and two hundred, four hundred, eight hundred or a thousand villages are a commonplace in Arthaśāstras and Nitiśāstras and in the political passages of Smṛitis and Purāṇas. Everywhere, the village is the unit of administration. When we are told that the customs of cultivators should be respected, it is legitimate to infer that theory concedes some autonomy to village communities. For south India there is abundant epigraphic evidence that the village enjoyed a high degree of self-government.¹

¹ Government Epigraphists' Reports. *Epigraphia Indica*. Archaeological Survey Reports. The evidence is worked out in Krishnaswami Aiyangar's *Ancient India*.

Theory concedes the same position to corporations as to cultivators. The government must keep them to their proper sphere, set matters right when their chiefs or members misbehave and provide courts of appeal from their decisions, but ordinarily they are allowed to manage their affairs according to their own lights.¹ Epigraphic evidence in the north and more abundant in the south proves that the rights conceded by theory were fully translated into practice.

Governmental agencies and corporations, however, are not deemed enough for the fulfilment of the purpose for which government represents. It is desirable for every administration to enlist as much support and co-operation from the people in general as possible. Kaṭṭāya insists on active popular co-operation in the execution of public works, in apprehending criminals and in measures against fire, floods, etc. Manu would severely chastise or even execute those who afforded facilities to thieves and robbers. The people should be duly informed of royal edicts. Śukra wants the widest publicity to be given to all regulations by beat of drum and by inscriptions on esplanades, etc. In Brihaspati, Śukra and others, the popular element enters into the administration of justice. Families, castes and corporations may decide many cases arising among their members. Royal Courts should have assessors. Apart from specific matters, public opinion should always be carefully ascertained through spies and followed so far as possible.

The small state was the norm in ancient India but the ever-present centrifugal forces were from time to time surmounted by organised military force and administrative vigour, aided by the

Government and Public Opinion.

Feudatories.

¹ Ante, Ch. XI.



cultural homogeneity of large areas. In the absence of natural frontiers every powerful state was tempted to reduce its neighbours to vassalage. Protected states constitute one of the permanent features of Indian history. No political status is so difficult to define as protectorate. Hindu theory sometimes confuses it with independence and sometimes with a mere administrative sub-division but a careful writer like Kaṭalya grasps its character very clearly and specifies the immunities and obligations which accompanied it. He agrees with other Hindu writers in recommending that a subjugated dynasty should not be altogether uprooted. All Hindu theorists want the laws and customs of 'countries' to be respected. What may be good for one region may not suit another. But the foreign relations and certain important administrative and other matters must be placed definitely under the control of the suzerain. No offensive measures against any foe, no fortification of any kind, can be undertaken without the sanction of the overlord. Capture of elephants, which had a military significance in ancient India, must await his permission. The installation of heir-apparent, that is to say, the succession to the dynastic throne, depends on the suzerain's will. Nor is a vassal competent, without the overlord's permission, to punish fugitives from his territory. Commercial undertakings are also included by Kaṭalya among matters for which the protector's permission is necessary. Then there are general directions on the behaviour of a feudatory. He should be like "a servant to his master by serving the protector's occasional needs." Again "on all occasions of worshipping gods and of making prayers, he should cause his people pray for the long life of his protector."¹

¹ Arthaśāstra, 308, tr. 377-378.



Elsewhere, Kauṭalya, the Mahābhārata, Śukra and others counsel a feudatory to throw off the yoke when a favourable opportunity presents itself. It meant a state of warfare which was intensified and perpetuated by the constant attempts which states made to extend their dominion. It was perhaps dimly felt that the political unification of the country was desirable. At any rate from the Atharva Veda onwards the ideal of "universal" sovereignty was extolled with almost religious fervour. Even those who like Kauṭalya recognised that *peace* and industry lay at the root of prosperity¹ and paid homage of the idea of the Chakravartin. In pursuance of it aggression was condoned and unscrupulousness was reduced to a code. As a result, no real system of international law could arise. There are no treatises on interstate usage as such. There is not even a name for it in Sanskrit literature. Reflections on interstate affairs form an appendage to treatises on government. The ethics of the battle-field are often conceived in the loftiest spirit and few writers counsel righteousness even in diplomacy.

The Ethics of War.

The Buddha condemns the methods of military aggression wholesale.² Once in the Śāntiparvan of the Mahābhārata, Bhīṣma counsels Yudhiṣṭhira to follow righteousness in warfare. "A king should never desire to subjugate the earth by unrighteous means even if such subjugation would make him master of the whole earth. What king is there that would rejoice after obtaining victory by unfair means? A victory attained by unrighteousness is uncertain and never leads to heaven."³ But the Āpaddharma sections of the epic constitutes the quintessence of Machiavellianism.

¹ Ibid., 257, tr. 322.

² Kosala Saṃyutta, ed. Feer, 2, 5.

³ The Mahābhārata, Śāntiparvan, XCVI, 1-3, 10.



Hindu thought on interstatal affairs as a whole represents the triumph of expediency.

True to the general purpose of Hindu governmental theory, the writers seek to direct the foreign policy of a state.

The nearest approach they make to principle here is represented by the enunciation of a veritable doctrine of

Direction of
Foreign Policy.

'balance of power.' A king might represent to the neighbouring circle of states that a particular sovereign was growing too powerful, that he might destroy them all, and that

Balance of
Power.

all should, therefore, march against him.¹ The balance of power, however, is only part of the general calculation which dominates the whole theory of interstatal relationships.

They are treated from the point of view of Vijigīṣu, the would-be conqueror, placed in a circle of

Maṇḍala.

states. That circle, according to Maya, a Nitiśāstra writer, noticed by Kāmandaka, consisted of four sovereigns—the Vijigīṣu or the would-be conqueror, the Ari or enemy, Madhyama or potential powerful friend or enemy² and Udāsina or neutral.³ Manu gives these four, and then adds that eight other, constituents had been enumerated so that the total came to twelve.⁴ So, according to the orthodox view of the Arthaśāstras, Smritis, Nitiśāstras, Purāṇas and general literature, the Maṇḍala, as the circle is called, consists of twelve kings divided as follows:—

I. (1) The Vijigīṣu in the centre.

¹ Arthaśāstra, 265, tr. 331-332.

² Madhyama has been taken to mean mediator but the context does not bear the interpretation. Madhyama belongs to the same diplomatic genus as Udāsina. His specific attribute is that he is closer to the Vijigīṣu and, therefore, of greater potential importance.

³ Kāmandaka, Nitisāra, VIII, 20.

⁴ Manu, VII, 155-156.

II. Five kings in front of the Vijigīṣu thus—

- (2) Ari, the Enemy.
- (3) Mitraprakṛiti, the Friend of the Vijigīṣu.
- (4) Arimitra, Friend of the Enemy.
- (5) Mitrâmitra, Friend of the Friend of Vijigīṣu.
- (6) Arimitrâ-mitra, Friend of the enemy friend.

III. Behind the Vijigīṣu.

- (7) Pârṣṇigrâha, a Rearward Enemy.
- (8) Ākranda, a Rearward Friend.
- (9) Pârṣṇigrâhâ-sâra, Friend of the Rearward Enemy.
- (10) Ākrandâsâra, Friend of the Rearward Friend.

IV. (11) Madhyama.

(12) Udâsina or neutral.¹ The area of diplomacy may indeed extend far beyond this circle. Kâmandaka, for instance, says that peace may safely be made with Anârya, non-Aryan States.² But theory concerns itself mainly with probabilities.

Given the Maṇḍala, the problem is how to manipulate its members to the best promotion of one's own interests.

The possible permutations and combinations into which the writers indulge

Sixfold policy.

need not detain us. The general aim of policy is thus briefly stated by Manu: "Let him overcome all of them by means of the (four) expedients, conciliation and the rest, (employed) either singly or conjointly, (or) by bravery and policy (alone)."³ But since universal conquest was not always possible, it was often necessary to conclude alliances, to sit on the fence or to observe neutrality. The possible attitudes are summed up as six measures of policy (Śâdgunya):

¹ Arthaśâstra, 258—260, tr. 322—324.

Kâmandaka, VIII, 16-17. Agni Purâṇa, CCXL.

² Kâmandaka, Nitisâra, IX, 45.

³ Manu, VII, 159; tr. Bühler, p. 241.



alliance, war, marching, halting, dividing the army and seeking protection.¹ Vâtavyâdhi had rightly remarked that there were in reality only two policies—peace and war—but Kauṭalya and others would not be content with less than a sixfold division.

Each measure is then considered by itself, defined, divided, and subdivided, and specific directions given about its employment.² According to Kâmandaka,

Peace.

for instance, there are sixteen kinds of peace,³ while his master Kauṭalya enumerated eleven kinds of them.⁴ Both classifications are based on the comparative strength of the parties, the nature of the securities or hostages offered and the character of other terms. Wars are divided by Śukra into three classes

War.

according to the character of the weapons used.⁵ On the basis of causes, results and parties, Kâmandaka makes out sixteen kinds of war.⁶ Long before them Kauṭalya had divided battles into open, treacherous, and silent.⁷ In the course of this discussion the writers often give lengthy disquisitions on fortification, composition of the army, military equipment, tactics and strategy. For the battle-field they formulate a noble, humane and chivalrous code which rebounds to their eternal credit. An enemy soldier, who was not in a position to offer resistance, whether through faint-heartedness, cowardice or willingness to surrender, who was deprived of arms or

¹ Ibid., VII, 160. Cf. Viṣṇu, III, 39; Yājñavalkya, I, 345-346.

² Manu, VII, 161-212.

³ Kâmandaka, Nītisâra, IX, 2-21.

⁴ Arthaśâstra, 266-269, tr. 332-336.

⁵ Śukra, IV, vii, 221.

⁶ Kâmandaka, X, 18-22.

Arthaśâstra, 278, tr. 346.

was diseased, who was engaged in eating, drinking or sleeping, was not to be struck. Old men, women and children were, of course, never to be molested.¹ On the other hand, even an infant, who is actively battling, is, according to Śukra, to be mercilessly slain.² An exalted spirit of humanity leads Manu and others to forbid the use of weapons barbed, poisoned, or blazing with fire at the tips.³ Another series of precepts aim at securing the safety of non-combatants. Śukra wants troops to camp outside a village and not to enter it without a 'royal permit.' Nor should there be any relationship of debtor and creditor between the village-folk and the soldiery.⁴

The atmosphere of suspicion and the momentous character of diplomatic negotiations invested envoys,

Envoys and
spies.

messengers and spies with great importance and made them a regular topic of governmental theory. There is, first of all, a broad distinction between Dūtas, 'open spies,' that is, envoys and chāras or secret spies—real spies. Both have their classes and sub-classes.⁵ The former, according to the Mahābhārata, should possess these seven accomplishments, viz., they should be high-born, of good family, eloquent, clever, sweet-speeched, faithful in delivering messages with which they are charged, and endowed with good

¹ The Mahābhārata, Śāntiparvan, C. 27—29. *Of. Gautama*, XI, 18; *Āpastamba*, II, 5, 10, 11; *Manu*, VII, 91—93; *Śukra*, IV, vii, 354—359.

² *Śukra*, IV, viii, 326.

³ *Manu*, VII, 90.

⁴ *Śukra*, IV, vii, 379, 381—383.

⁵ Kauṭalya's nine-fold classification of spies is illuminating :— (1) Kāpaṭika, disguised as a disciple, (2) Udāsthita, disguised as a recluse, (3) Gṛhipatika, one setting up a household, (4) Vaidehaka, one playing the merchant, (5) Tāpasa, an ascetic, (6) Satri, a student, (7) Tīkṣṇa, a firebrand incendiary spy, (8) Rasada, a prisoner, and (9) Bhikṣukī or a mendicant woman. See *Arthaśāstra*, X, pp. 18—22, tr. 20—25.



memory.¹ Manu, Kauṭalya, the Purāṇas and Nītiśāstras echo the sentiment. The persons of all diplomatic agents, whether ambassadors, plenipotentiaries or messengers, were sacrosanct. "A king should never slay an envoy under any circumstances. That king who slays an envoy who faithfully utters the message with which he is charged causes the names of his deceased ancestors to be stained with the sin of killing a foetus."² Vaiśampāyana in his Nītiprakāśikā adds that an ambassador is not to be put to death even if he had committed a grievous wrong.³ But Kauṭalya is rather ambiguous on the point.

The importance attached to diplomatic agents is to be explained partly by the preference which writers occasionally display for diplomacy in war. Manu,

Diplomacy
preferred to War.

for instance, holds "that a king should try to conquer his foes by conciliation, by (well-applied) gifts and by creating dissension, used either separately or conjointly, never by fighting. For when two (princes) fight, victory and defeat in the battle are, as experience teaches, uncertain; let him, therefore, avoid an engagement."⁴ Kāmandaka also prefers victories through gifts and counsels, that is, diplomatic skill.⁵ Śukra inclines above all to a policy of divide and rule.⁶

¹ The Mahābhārata, Śāntiparvan, LXXXV, 28. Cf. Manu, VII, 64. The Agni Purāṇa, CCXLI, 7.

² The Mahābhārata, Śāntiparvan, LXXXV, 26-27.

³ Nītiprakāśikā, III, 64.

⁴ Manu, VII, 198-199.

⁵ Kāmandaka, XVII, 2-3; IX, 75.

⁶ Śukranīti, IV, vii, 189.

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6 note	...	Hindu Culture	... Indian Culture
13 note 1	...	Political Theories of the Hindus.	Hindu Political Theories
18	19	a subsequent literature	... subsequent literature
22	8	Viṣṇu	... Brahman
"	9	"	... "
"	16	Viṣṇu's	... Brahman's
"	18	Viṣṇu	... Brahman
23	17	"	... "
28	3	"	... "
35	17	forefront	... forefront
39	19	of ...	... or
61	2	stilette	... stiletto
"	3	"the Prince"	... quotations from "the Prince"
"	4	quotations from Italian realist	the Italian realist
"	"	following	... flowing
63	1	seeing	... seeking
67	9-10	Laṅkā or Ceylon	... Laṅkā
70	20	editor and translator	... and translator
78	8	their jurisdiction	... his jurisdiction
87	30	potshred	... potsherd
91	12	discovered at Trivandrum.	... discovered
"	22	latest editor	... later editor
93	21	Dharmaśāstra	... Dharma
"	second	and	... of
"	para-head- ing.		
104	23-24	and what is called <i>kākaṇi</i> .	at the rate of a <i>kākaṇi</i> per pair
119	3-4	to propitiate the Chaityas on the full moon	by way of Chaitya worship on the full-moon
122	18	oblations towards consecration.	abhiṣechedana
125	7	twelve	... twenty
142	4	<i>māṣas</i>	... <i>māṣā</i>
145	"	consideration	... considerations

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154	24	need ...	... need
160	28	he ...	... they
170	"	Samvrata ...	... Samvrata
176	1	retried ...	... re-tried
199	15	prosecute ...	... persecute
207	28-29	praiseworthy ...	... not praiseworthy
210	11	Malinda ...	... Mahinda
218	29-30	Vajrasūchi ...	... Vajrasūchī
"	30	of ...	... attributed to
242	27	Matali or ...	... Mātali or
247	3	god of gods ...	... king of gods
252	20	The ...	... Ten
264	37	on ...	... to
	(note)		
267	15	called ...	... culled
270	27	Pisharodis ...	... Pisharotis
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275	13	Shat-tree ...	... Śāl-tree
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283	21	king's ...	... kings
286	23	the Pāṭaliputra ...	... Pāṭaliputra
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289	18	gains ...	... he gains
292	23	the hermit's ...	... hermits'
301	13	composition ...	... compositions
302	9	god ...	... God
303	20	Āmuktaamālyavādā ...	... Āmuktamālyavāda
"	27	work ...	... works
304	29	and requisite ...	... requisites
305	24	and as he goes on to emphasise.	as he goes on to emphasise that
"	27	Fares ...	... Taxes
306	16	temple ...	... temples
309	26	Śreṭhin ...	... Śreṭhin
311	7	line ...	... law
315	22	texts ...	... tests
322	25	was ...	... he was
322	32-33	to the (outcast sinner) ...	... (to the outcast sinner)
"	33-34	recitin the Savitri ...	... reciting the Sāvitrī
334	12	within ...	 Within
336	10	wfe ...	... few
340	5	latter ...	... former
341	5	Aśvaghōṣa in his Vajra-śūchi.	The Vajrasūchī attributed to Aśvaghōṣa
343	5	lie ...	... lies
347	4	universal law ...	... universe
353	28	Likkita ...	... Likhita
359	1	on a ...	... on
360	7	abundant ...	... abundantly



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11	purpose for ...	... purpose
12	and paid homage of ...	... paid homage to
20	few ...	... a few
6	enemy ...	... enemy's
8	Miss Ryder ...	... Ryder
35	Calcutta, 1871-87 ...	... Calcutta
5-6	London, 1917 ...	... London



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